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The House of Burgeffes
of Virginia





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JOURNALS
of the
House of BURGESSES
of
VIRGINIA

1659/60--1693

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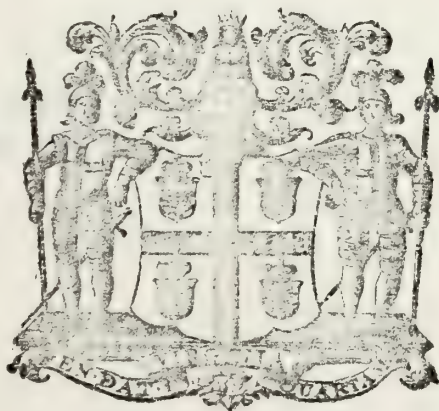
MCMXIV

JOURNALS
of the
HOUSE *of* BURGESSES
of
VIRGINIA

1659/60--1693

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Edited by
H. R. McILWAINE



RICHMOND, Virginia
MCMXIV

CONTENTS

BURGESSES	vii
INTRODUCTORY NOTE	xvii
PREFACE	xix
JOURNALS, ORDERS AND PAPERS FOR THE PERIOD EMBRACED BETWEEN MARCH 13, 1659/60, AND JUNE 8, 1680 . . .	3
JOURNAL, 1680	119
JOURNAL, APRIL, 1682	157
"BOOK OF CLAIMS," NOV., 1682	170
JOURNAL, 1684	187
JOURNAL, 1686	261
JOURNAL, 1688	287
JOURNAL, 1691	333
JOURNAL, 1692	379
JOURNAL, MARCH, 1692/3	411
JOURNAL, OCTOBER, 1693	449
APPENDIX	497
INDEX	509

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Burgeffes for the Assembly of 1659/60.

[From *Hening's Statutes at Large*, I, 527-530.]

Charles City:	Theodorick Bland	Lower Norfolk:	John Sidney
	Robert Wynne		Lemuel Mafon
	Charles Sparrow	New Kent:	Manwaring Hammond
Elizabeth City:	William Worleich		Robert Abrahall
	John Powell	Northampton:	John Stringer
Gloucester:	Francis Willis		Edmund Scarbrough
	Peter Jennings		William Waters
	Peter Knight	Northumberland:	Peter Afhton
	David Cant	Rappahannock:	Moore Fantleroy
Henrico:	Theodorick Bland		John Weyre
	William Farrar	Surry:	William Cawfield
Isle of Wight:	Robert Pitt		William Browne
	Richard Hill	Upper Norfolk:	Giles Webb
	John Bond		William Denfon
	Nicholas Smith		George Catchmaie
James City:	Henry Soane	Warwick:	Miles Cary
	Robert Ellifon		Edw. Griffith
	Richard Ford	Westmoreland:	Thomas Foulke [Fowke]
	William Morley	York:	Christopher Calthropp
Lancafter:	John Carter		Joseph Crowshaw
	Henry Corbin		Nathaniel Bacon
	John Curtis		Robert Baldry

¹ Stanard's "Colonial Virginia Register," p. 75, gives Thomas Bushrod also as "returned burgeffs" for York.

Burgeffes for the Assembly of 1660.

No names of the members of the House of Burgeffes for this Assembly have been found.

Burgeffes for the Assembly of 1660/61-1676.

[Hening gives lists of members of the House in attendance at two of the seventeen sessions of this Assembly, namely, the 1663 session and the October 1666 session. No general election had, of course, been held in the time between the two sessions, and the variations in the two lists are to be accounted for by the fact that some members at the first of the two sessions had died or otherwise become incapacitated, and new elections had been held in these special cases. Stanard, in his "Colonial Virginia Register," pp. 76-81, gives, in addition, information obtained from the county court records as to the membership from several counties at the various sessions. The list printed below is the list given in Hening for the 1663 session, and the information contained in the notes is gained from Hening's second list and from Stanard.]

It should be added, further, that the changes in the membership must have gone on steadily from the date of the first session till the Assembly was finally dissolved in 1776. Had we a full list of the members for the last session, it would be found, no doubt, to differ considerably from the list here given.

By a law passed at the March 1660/61 session a county could have regularly only two representatives, but in case the county laid out a tract of land of one hundred acres and settled it with one hundred tithable persons, the place so laid out might send a burgeis. In the list given below there are three counties with three representatives each, namely, James City County, Charles City, and Isle of Wight. One of the James City burgeffes undoubtedly sat for Jamestown.]

Accomac: ¹	Devoreux Browne	Lancaster: ⁴	Rawleigh Traversé
	Hugh Yeo	Lower Norfolk: ⁵	Lemuel Mafon
Charles City: ²	Robert Wynne	Nansemond: ⁶	George Wallings
	Stephen Hamelyn	New Kent: ⁷	William Claiborne
	Francis Gray	Northampton: ⁸	William Kendall
Elizabeth City:	John Powel		William Andrews
	Leonard Yeo	Northumberland: ⁹	William Presley
Gloucester:	Peter Jennings	Rappahannock:	Thomas Lucas
	Thomas Walker		John Weye
Henrico:	William Farrar	Surry: ¹⁰	Thomas Warren
Isle of Wight:	Nicholas Hill		William Cockerain
	Joseph Bridger	Warwick:	Edward Griffith
	Robert Williamson	Westmoreland: ¹¹	Gerard Fowke
James City: ³	Robert Ellyson	York: ¹²	William Barber
	Walter Chiles		
	Edward Ramfay		

¹ Instead of the name Devoreux Browne the 1666 list has Edward [Edmund] Scarborough.

² The 1666 list has Robert Wynne and Thomas Southcoat.

³ The 1666 list has Edward Ramfay and Thomas Ballard.

⁴ Stanard has Raleigh Travers, or Traversé, straight through till the September 1667 session, when "Mr. Wyllis" is given. He has William Ball for the September 1668 session, then Raleigh Travers for the October 1669 session, William Ball and Raleigh Travers for the October 1670 session, and William Ball for the remaining sessions of the Assembly till the last.

⁵ Stanard gives Adam Thoroughgood and William Carver for the 1665 session, as does Hening for the October 1666 session.

⁶ The 1666 list gives John Blake and John Leare.

⁷ The 1666 list gives William Claiborne and William Berkeley.

⁸ The 1666 list gives William Kendall and John Swavage [Savage].

⁹ Stanard gives Peter Presley for the 1660/61 session, but William Presley for the March 1661/62 session, and the sessions held in December 1662, September 1664, October 1665, June 1666, October 1666, September 1672, October 1673, and September 1674. He also gives Isaac Allerton for the September 1668 session, and the sessions held in October 1669, September 1672, October 1673, and September 1674.

¹⁰ Hening's 1666 list has Laurence Baker and Thomas Warren. Stanard has for the September 1672 session Laurence Baker; for the October 1673 session, Laurence Baker and William Browne; for the September 1674 session, Laurence Baker and George Jordan, and the same for the March 1675/6 session.

¹¹ Hening's 1666 list has Nicholas Spencer and John Washington. Stanard has "Captain Lee" for the October 1673 session, and John Appleton and John Washington for the March 1675/6 session.

¹² Hening's 1666 list has William Barber and Daniel Parke.

John Porter was elected a member of this Assembly from Lower Norfolk, but was at the September 1663 session dismissed on the ground that he was well affected towards the Quakers (p. 21).

Captain William Blackey, Colonel Bland, Captain Henry Filmore, and Captain Otho Southcoat were members for the October 1666 session (pp. 36-37), and Captain William Blackey was a member for the September-October 1667 session (p. 47).

Middlesex County was formed in 1674. Stanard gives as the representatives of this county for the September 1674 session Walter Whitaker and Ralph Wormeley and for the March 1675/6 session Walter Whitaker and John Burnham.

Burgeffes for the Assembly of 1676.

[From *Stanard's Colonial Virginia Register*, p. 81.]

Henrico:	Nathaniel Bacon, jr.	Stafford:	Thomas Mathew
Lower Norfolk:	Arthur Mofeley		George Mafon
	Richard Church	Surry:	Robert Canfield
Middlefex:	Robert Beverley		Francis Mafon
Northumberland:	William Presley		

Burgeffes for the Assembly of February 1676/77.

[From *Stanard's Colonial Virginia Register*, pp. 81-2.]

*Accomac:	Southey Littleton	Stafford:	William Fitzhugh
	William Cuftis	Surry:	William Browne
*Lancafter:	William Ball		Benjamin Harrifon
	Edward Dale	Westmoreland:	Richard Lee
*Northampton:	John Cuftis		John Wafhington
	Ifaac Foxcroft		Ifaac Allerton

* These names were obtained from pp. 77 and 110 of this volume.

Burgeffes for the Assembly of October 1677.

[*Stanard's Colonial Virginia Register*, p. 82.]

Henrico:	William Byrd	Northumberland:	Ifaac Allerton
	Thomas Cocke		William Presley
Lancafter:	David Fox		Peter Presley
	Edward Dale	Stafford:	William Fitzhugh
	William Ball	Surry:	William Browne
Middlefex:	Richard Perrott, fr.		Samuel Swann
	Abraham Weekes		

Burgeffes for the Assembly of 1679.

[From *Stanard's Colonial Virginia Register*, p. 82.]

Henrico:	William Byrd	Stafford:	William Fitzhugh
	Abel Gower	Surry:	Thomas Swann
*James City:	Edward Hill		William Browne

* This name was supplied by the Journal for the 1680 feffion. (See p. 126.)

Burgeffes for the Assembly

of 1680-1682.

[From the names given in the Journals of the 1680 and the 1682 session. The counties are not given, but most of them may be stated from information given in the Journals themselves or from the lists of other sessions.]

- | | |
|-------------------------------------|--|
| *Allerton, Isaac. [Northumberland.] | Mihill, Edward. [Elizabeth City.] |
| *Armistead, John. [Gloucester.] | Mills, Henry. |
| †Ball, William. [Lancaster.] | Minge, James. [Charles City.] |
| Ballard, Thomas. [James City.] | Morris, George. |
| Barber, Thomas. [York.] | *Page, John. [York.] |
| Bird [Byrd], William. [Henrico.] | *Pierce, William. [Westmoreland.] |
| Bifs, James. [Charles City.] | *Pitt, Thomas. [Isle of Wight?] |
| †Buckner, John. [Gloucester?] | *Presley, William. [Northumberland.] |
| *Burnham, John. | †Robinson, Christopher. [Middlesex.] |
| Carter, John. [Lancaster.] | Scarburgh, Charles. [Accomac.] |
| †Clayton, Thomas. [James City.] | †Scarlet, Martin. [Stafford.] |
| Codd, St. Leger. [Northumberland.] | Sherwood, William.* [James City County.] |
| Farrar, John. [Henrico.] | †Smith, Anth. |
| Fitzhugh, William. [Stafford.] | Spier, John. |
| *Fox, David. [Lancaster.] | Swann, Samuel. [Surry.] |
| Gouldman, Thomas. [Rappahannock.] | Taberer, Thomas. |
| †Hardidge, William. [Westmoreland.] | †Thorpe, Otho. [York.] |
| Harrison, Benjamin. [Surry.] | Turner, Charles. [New Kent.] |
| †Jarvis, Thomas. [Elizabeth City.] | *Waters, William. [Northampton.] |
| *Kemp, Mathew. [Middlesex.] | *Weekes, Abraham. [Middlesex.] |
| *Langhorne, John. [Warwick.] | West, John. [New Kent.] |
| Langston, John.* [New Kent.] | *White, William. [James City County.] |
| Lawson, Anthony. [Lower Norfolk.] | †Whiting, Henry. [Gloucester.] |
| Lloyd, William. [Rappahannock.] | Whitaker, Richard. [Warwick.] |
| *Mason, George. [Stafford.] | Whittington, William. |
| Mason, Lemuel. [Lower Norfolk.] | *Wythe, Thomas. |
| †Mathews, John. [Warwick.] | |

* Name appears only in proceedings of first session.

† Name appears only in proceedings of second session.

* Not allowed to take his seat (p. 123).

* Not allowed to serve at first session (p. 121), but he appears as a member for the second session.

Burgeffes for the Assembly of 1684.

Accomac:	Charles Scarburgh Daniel Jenifer	Nansemond:	John Braffier Barna. Kearne
Charles City:	Edward Hill James Minge	New Kent:	John West Joseph Foster
Elizabeth City:	William Wilfon Thomas Allomby	Northampton:	William Kendall John Cuftis
Gloucester:	Henry Whiteing Thomas Pate	Northumberland:	Peter Presley Peter Knight
Henrico:	John Farrar William Randolph	Rappahannock:	Henry Awbrey George Taylor
Isle of Wight:	Joseph Woory Henry Applewhaite	Stafford:	George Mafon William Fitzhugh
James City:	Henry Hartwell	Surry:	Arthur Allen Samuel Swann
James City Co.:	Thomas Ballard William Sherwood	Warwick:	John Mathews Miles Cary
Lancafter:	David Fox St. Leger Codd	Westmoreland:	Isaac Allerton Lawrence Washington
Lower Norfolk:	Lemuel Mafon William Robinson	York:	Francis Page Joseph Ring
Middlefex:	Abraham Weekes Richard Parrot		

Burgeffes for the Assembly of 1685-86.

[From the names given in the Journal of the 1686 fession. The counties are not given, but most of them may be stated from information given in the Journal itself or from lists of other fessions.]

Allen, Arthur. [Surry.]
Anderfon, William. [Accomac.]
Applewhaite, Henry. [Isle of Wight.]
Armistead, John. [Gloucester.]
Ball, William. [Lancaster.]
Ballard, Thomas. [James City.]
Barber, Thomas. [York.]
Batt, Henry. [Charles City.]
Braffier, John. [Nansemond.]
Custis, John. [Northampton.]
Fox, David. [Lancaster.]
Foxcroft, Isaac. [Northampton.]
Hardidge, William. [Westmoreland.]
Hartwell, Henry. [James City.]
Harwood, Humphrey. [Warwick.]
Hayward, Samuel. [Stafford.]
Jenifer, Daniel. [Accomac.]
Jenkins, Henry. [Elizabeth City?]

Kemp, Mathew. [Middlesex.]
Lear, Thomas. [Nansemond.]
Littlepage, Richard. [New Kent.]
Mafon, Lemuel. [Lower Norfolk.]
Page, Francis. [York.]
Randolph, William. [Henrico.]
Robinson, Christopher. [Middlesex.]
Robinson, William. [Lower Norfolk.]
Scarlet, Martin. [Stafford.]
Smith, Arthur. [Isle of Wight.]
Smith, John. [Gloucester.]
Spicer, Arthur. [Rappahannock.]
Styth, John. [Charles City.]
Swann, Samuel. [Surry.]
West, John. [New Kent.]
Whitaker, Richard. [Warwick.]
Wilson, William. [Elizabeth City.]
Yowell, Thomas. [Westmoreland.]

William Kendall, of Accomac, was speaker of the House at the first fession, but was not present the second fession.

Thomas Cheefman was a member for the first fession, probably representing York (Stanard).

Richard Kennon was a member for the first fession, probably representing Henrico (Stanard).

Robert Beverly was a member for Middlesex at the first fession, till he was elected clerk of the House. He was succeeded by Mathew Kemp.

Robert Dudley was a member for Middlesex at the first fession (Stanard).

Christopher Neale and Peter Knight were the representatives of Northumberland County at the first fession (Stanard). They did not appear at the second fession.

William Lloyd represented Rappahannock at the first fession, Lawrence Washington, Westmoreland (Stanard).

John Anderfon was a member for the first fession, but for what county does not appear.

Burgeffes for the Assembly of 1688.

Accomac:	Charles Scarborough William Anderfon	Nansemond:	Thomas Milner Thomas Lear
Charles City:	Peter Perry Robert Bolling	New Kent:	John West Joseph Foster
Elizabeth City	William Wilfon Thomas Allomby	Northampton:	Thomas Harmanfon William Kendall
Gloucester:	John Smith Lawrence Smith	Northumberland:	Richard Kennor Hancock Lee
Henrico:	Wm. Randolph Peter Field	Rappahannock:	Arthur Spicer Henry Awbrey
Isle of Wight:	Arthur Smith Henry Applewhaite	Stafford:	George Mafon George Brent
James City:	Wm. Sherwood	Surry:	Arthur Allen Samuel Swann
James City Co.:	Philip Ludwell [*] James Bray, fr.	Warwick:	Miles Cary Richard Whitaker
Lancaster:	William Ball John Pinkard	Westmoreland:	Thomas Yowell William Hardidge
Lower Norfolk:	Anthony Lawfon William Crawford	York:	Francis Page [*] Thomas Barber
Middlefex:	Christopher Robinfon Robert Dudley		

^{*} Philip Ludwell, being a suspended councillor, was not allowed to take his seat, and Daniel Parke was elected in his place.

^{*} Francis Page was appointed clerk of the House, and was succeeded by Robert Read (p. 297).

Burgeffes for the Affembly

of 1691-1692.

Accomac:	Charles Scarburgh William Anderfon	New Kent:	John Weft William Leigh ¹
Charles City:	Henry Batt Robert Bolling	Norfolk: ²	Francis Sawyer William Robinfon
Elizabeth City: ³	William Wilfon Thomas Allomby	Northampton:	John Robins Thomas Harmanfon
Gloucefter:	Lawrence Smith John Smith ⁴	Northumberland: ⁵	Richard Kenner Peter Prefley
Henrico:	William Randolph Francis Eppes	Princefs Anne: ⁶	Malachy Thrufton John Richardfon
James City:	Henry Hartwell	Rappahannock:	Henry Awbry John Stone ⁷
James City Co.:	James Bray ⁸ William Lewis	Stafford:	George Mafon ⁹ Martin Scarlet
Ifle of Wight:	Arthur Smith Henry Applewhaite ¹⁰	Surry:	Arthur Allen ¹¹ Francis Mafon
King & Queen: ¹²	William Leigh Jofhua Story	Warwick:	Richard Whitaker ¹³ Miles Cary
Lancafter:	Robert Carter William Ball	Westmoreland:	William Hardidge Lawrence Wafington
Lower Norfolk: ¹⁴	Anthony Lawfon John Sandiford	York:	Thomas Barber ¹⁵ Jofeph Ring
Middlefex:	Chriftopher Robinfon William Churchill		
Nanfemond:	Thomas Milner John Braffier		

¹ William Marshall and William Armistead were elected burgeffes for the second feflion of this Affembly (pp. 379, 384).

² James Ranfon was returned burgeffs for the second feflion of this Affembly in place of John Smith (p. 380).

³ Refused to take the oaths. A new writ was ordered, and Henry Duke was elected burgeffs (p. 379).

⁴ James Ben was returned burgeffs for the second feflion of this Affembly in the place of Henry Applewhaite (p. 379).

⁵ King & Queen was first represented in the second feflion of this Affembly (p. 380).

⁶ Lower Norfolk was divided into two counties at the first feflion of this Affembly, namely, Norfolk and Princefs Anne.

⁷ King & Queen County was formed from New Kent at the first feflion of this Affembly, and in the election of members to represent in the second feflion that part of the old county of New Kent retaining the name John Lyddall and David Crawford were chosen (p. 380.)

⁸ Was returned burgeffs for King & Queen for the second feflion of this Affembly (p. 380).

⁹ Norfolk County was first represented at the second feflion of this Affembly.

¹⁰ George Cooper was returned burgeffs for Northumberland County for the second feflion of this Affembly.

¹¹ Princefs Anne County was first represented in the second feflion of this Affembly (p. 379).

¹² William Colfton was returned burgeffs at the second feflion of the Affembly in the place of John Stone (p. 380).

¹³ John Withers was returned burgeffs at the second feflion of this Affembly in the place of George Mafon (p. 381).

¹⁴ Arthur Allen refused to take the oaths. A new election was ordered, and Benjamin Harrifon was elected burgeffs (p. 334).

¹⁵ Robert Hubbard was returned burgeffs at the second feflion of Affembly in place of Richard Whittaker (p. 379).

¹⁶ Thomas Ballard was returned burgeffs for the second feflion of this Affembly in the place of Thomas Barber (p. 380).

Burgeffes for the Assembly of 1692/3.

Accomac:	Richard Baylie Samuel Sandford	New Kent:	John Lyddall Wm. Bassett
Charles City:	John Taylor John Stith	Norfolk:	Lemuel Mafon Francis Sawyer
Elizabeth City:	Willis Wilton William Armistead	Northampton:	John Custis Wm. Kendall
Essex:	John Battaile Edward Thomas	Northumberland:	John Downing William Jones
Gloucester:	James Ranfon John Baylor	Princess Anne:	John Richardson Jacob Johnson
Henrico:	John Pleasant ¹ Peter Field	Richmond:	Arthur Spicer William Colston
Isle of Wight:	Henry Baker Anthony Holliday	Stafford:	Martin Scarlet Thomas Ousley
James City Co.:	Michael Sherman Henry Duke	Surry:	Samuel Swann Francis Clements
James City:	Miles Cary	Warwick:	William Cary Humphrey Harwood
King & Queen:	Wm. Leigh	Westmoreland:	Thomas Yowell William Hardidge
Lancaster:	David Fox John Strechley	York:	Thomas Ballard Daniel Parke
Middlesex:	Mathew Kemp John Cant		
Nansemond:	Thomas Milner Thomas Lear		

¹ John Pleasant refused to take the oaths (p. 413). William Randolph was elected in his place (p. 421).

Burgeffes for the Assembly of 1693.

[From the names given in the Journal of this feffion. The counties are not given, but moft of thefe may be ftated from information given in the Journal itfelf, or from lifts of other feffions.]

Armistead, Anthony. [Elizabeth City.]	Kemp, Mathew. [Middlefex.]
Baker, Henry. [Ifle of Wight.]	Lee, William. [Northumberland.]
Ball, ———. [Lancafter.]	Leigh, William. [King & Queen.]
Barber, Thomas. [York.]	Macon, Gideon. [New Kent.]
Baffett, William. [New Kent.]	Mafon, George. [Stafford.]
Bland, Richard. [Charles City.]	Mafon, Lemuel. [Norfolk.]
Buckner, John. [Gloucefter?]	Milner, Thomas. [Nanfemond.]
Cant, John. [Middlefex.]	Parke, Daniel. [James City.]
Cary, ———. [Warwick.]	Randolph, William. [Henrico.]
Catlet, John. [Effex.]	Ranfone, James. [Gloucefter.]
Colfton, William. [Richmond.]	Richinfon, John. [Princcfs Anne.]
Cuftis, John. [Northampton.]	Ring, Jofeph. [York.]
Duke, Henry. [James City.]	Rofcow, William. [Warwick.]
Edmundfon, Thomas. [Effex.]	Spence, Alexander. [Westmoreland.]
Edwards, William.	Span, Cuthbert.* [Northumberland.]
Eppes, Francis. [Henrico.]	Spicer, Arthur. [Richmond.]
Fitzhugh, William. [Stafford.]	Story, Jofhua. [King & Queen.]
Godwin, ———. [Nanfemond.]	Swan, ———. [Surry.]
Hardidge, William. [Westmoreland.]	Taylor, John. [Charles City.]
Heale, George. [Lancafter?]	Thompson, John. [Surry.]
Hodges, Thomas. [Norfolk.]	Wafhbourne, John. [Accomac.]
Holiday, Anthony. [Ifle of Wight.]	Waters, William. [Northampton.]
Jenifer, Daniel. [Accomac.]	Wilfon, William. [Elizabeth City.]

* This name is taken from the lift as given in Stanard's "Colonial Virginia Register," p. 89.



Introductory Note.

IT was the intention of the editor of this set of Journals of the House of Burgesses to print in the present volume all the remaining Journals of the House from 1619, the date of the first General Assembly in *Virginia*, up to the 1695-1696 Assembly, with which the preceding volume begins, and to include the Proceedings of the first Assembly, because at that meeting the House and the Council sat together as one body. It was determined, too, that, since for the period before 1680 (when began the custom of sending to *England* copies of the *Virginia* legislative Journals and possibly the formal keeping of the Journals of the Council) very few Journals of the House remain, to embrace in this volume all the papers or documents of the House and of the General Assembly for that period which could be found. Under this head come all communications either to or from the House or the General Assembly, such as letters, messages, addresses, petitions, committee reports, etc. It seemed best to include even the "public orders" of the General Assembly, which are joint resolutions of the General Assembly on a multiplicity of private and local matters; for these orders were in the early days so expressed as to give much of the process by which the results were reached. In other words, they contain much of the record of the proceedings. Moreover, *Hening*, in collecting his "Statutes at Large," though he included such of them as he could find, overlooked a large number. It has been found, however, that there is entirely too much material to be embraced in one volume, and accordingly in the present volume the work has been carried back only to the 1659/60 Assembly, with which begins Sir *William Berkeley's* second term as governor of *Virginia*. The succeeding and final volume will contain the remaining material, and will also, probably, include a general index of the series.

The large size of the present volume has necessitated the omission of the usual section of the Preface giving the general historical setting, a feature of minor importance, however, and the narrowing of the scope of the Preface to a treatment of the Journals only from 1680 on. A detailed treatment of the few Journals for the period before 1680 and of the legislative papers given in this volume in addition to the Journals would have added too considerably to the bulk of the volume. However, in the Preface, as it stands, will be found many references to occurrences before 1680, especially where they throw any light on questions of legislative procedure, with which, rather than with topics of general historical interest, it has been the aim of the editor in former prefaces in the main to deal, though the latter questions have sometimes received much attention also. Since with the 1680 session the regular series of the Journals of the House of Burgesses embraced in this set of volumes may be said to begin, the Journals for preceding sessions being comparatively very few, and the material given in the first part of

the

the present volume and that to be given in the next volume consisting largely of legislative papers rather than Journals, the year 1680, moreover, appears to be the natural date for a change in the scope of the prefaces, even if the size of the present volume had not called for a curtailment.

In the process of putting the present volume through the press, it has been found necessary to add an appendix. This contains five papers, four of which ought to have been included in the body of the volume in their proper chronological order, but were overlooked by the editor at first in his search for material. The fifth item, namely, the letter of Lord *Howard of Effingham* to the Lords of Trade giving a full account of the 1685 session of the General Assembly is printed because no Journal of the House for that session has been found.

The text of the Journals embraced in this volume from the Journal for the 1680 session on has been obtained from transcripts of copies in the Public Record Office, *London*. They now appear in full in print for the first time, though abstracts of portions of them have been printed in the volumes of the "*Calendar of State Papers, Colonial America and West Indies*." A good deal of the material for the period before 1680, though by no means all of it, has been printed in *Hening's* "*Statutes at Large*" or in the "*Virginia Magazine of History and Biography*," but it has been reprinted here for the sake of completeness. For this period, too, however, resort has had to be made to the Public Record Office. The source of each paper printed for this period is given in a note preceding the text, and the text is in each case as accurate a reproduction as could be made of the copy followed.

As sources for the text of several of the papers references will be found to the *DeJarnette*, the *Winder*, and the *McDonald* Papers. These are merely transcripts in the *Virginia State Library* of documents in the Public Record Office. They were made years ago and not with the aim of securing a record of the General Assembly of *Virginia*. Further, all combined do not furnish a complete set of transcripts of early *Virginia* material in the Public Record Office. However, they have been found very useful in the present work—especially the "*McDonald Papers*," which are unusually comprehensive for the period covered by the Preface of this volume, and to which, accordingly, references are made in the notes in the Preface, though references might have been made to the more generally accessible "*Calendar of State Papers*." It must be remembered, however, that the "*Calendar of State Papers*" contains merely abstracts, whereas the "*McDonald Papers*" consist of exact transcripts.

The special characters used in indicating as closely as possible the abbreviations found in the manuscripts are:

č, indicating ti (mentioned, for example, for mentioned)

đ, indicating -leman or -lemen (gentđ, standing for gentleman or gentlemen, usually the latter)

þ, indicating pre (þvent, for prevent)

q₃, indicating que (annoq₃, for annoque)

řn, indicating mm (řmmon, for summon)

In general, a curve over a letter indicates the omission of a letter or letters either preceding or following the marked letter.

Preface

Asssembly of 1680-1682.

First Session.

ON the fourteenth day of *January* 1679/80 the Committee of the Privy Council for Trade and Foreign Plantations, the agency of the *English* government at that time having in charge the affairs of the Colonies, wrote an order of great importance. This was addressed "To the Clerke of the Assembly for the time being," and required that the clerk send to the committee at the close of each session of the General Asssembly a journal of the proceedings of the Asssembly, with copies of the "votes, orders, bills, and laws" which should be passed or proposed therein, at the first opportunity, and duplicate copies later. The order—a similar order was sent at the same time to the clerks of the assemblies of *Jamaica*, *Barbadoes*, and the *Leeward Islands*—was one of the results probably of the refusal of the clerk of the House of Burgesses in 1677 to deliver the Journals of the House and other papers to the commissioners sent over from *England* at the time of *Bacon's* Rebellion, and it proceeded from a desire to be thoroughly informed as to what was going on in the Asssembly halls of *Virginia*. It probably was resented by the elected representatives of the people as being inquisitorial. However, so far as those interested in the history of *Virginia* are concerned, the order should be looked upon as one of the most salutary ever issued by the home government, for from its receipt by the proper authorities is to be dated the regular series of the Journals of the House of Burgesses and also of the Council as a branch of the General Asssembly which, sent to *England* and usually preserved there, furnish, with the other papers which, according to orders issued at the same time to the governor and the secretary of the Colony, were also to be regularly sent by the Colonial authorities of *Virginia*, the materials for a correct history of the Colony. In comparison with the mass of material transmitted to *England* and there preserved—with some exceptions—to this day, the written memorials of the central government of Colonial *Virginia*, as opposed to the local governments of the counties, are, leaving the laws aside, almost trivial. The original Journals of the House and of the Council, which ought to be in *Virginia* to-day, have in large measure been destroyed, and but for this order the gaps in the present printed edition of the Journals of the House of Burgesses would be as noticeable after 1680 as they are for the period before that date.

Since, after the receipt of this order, the clerks of the two chambers of the General Asssembly knew that their journals would be inspected by the home authorities, these records began to be kept in a more methodical and careful manner, the truth of which statement will be evident to anyone who examines the contents of the present volume. It is doubtful, indeed, if the Journals of the Council acting as a branch of the General Asssembly—or of the Grand Asssembly, as the legislative body of *Virginia* was uniformly called from the *February* 1631/2 session up to 1680—were ever formally kept at all before the receipt of the order referred to. If formally written out by the clerk, no one of them has been preserved. For the twenty years between 1659/60, the date of the earliest legislative paper given in this volume, and 1680, the proceedings which have been preserved are called usually, if they have any titles at all, Journals of the Grand

¹ In a letter to the Lords of Trade, as the Committee for Trade and Plantations were usually styled, dated May 3, 1682 ("Virginia Magazine of History and Biography," XXIV, 372), Robert Beverley, clerk of the Asssembly, wrote that he had only recently received the order, and was sending a "perfect copy" of the Journal of the Asssembly for the session just closed, the April 1682 session, and would take care that the order should be punctually observed in the future. He had no doubt, however, that their lordships had received a copy of the Journal for the 1680 session, since he had delivered six copies to Mr. Secretary Spencer and two to Lord Culpeper. The fact that Beverley did not know during the progress of the 1680 session that copies of the Journal were to be sent to England, explains probably the carelessness with which that Journal was kept.

Assembly—not Journals of the House of Burgesses. But an examination of them shows that they are the proceedings of the House alone. Take, for instance, the first given in the present volume, on pp. 21-26. These proceedings have no title, but the very first sentence shows clearly that they are the proceedings of the House alone, and there is nothing anywhere in the proceedings to indicate that members of the Council sat in the House. On the contrary, everything, especially the reference by the governor and Council to the House of Burgesses—called in one place the Assembly and in the other the House of Commons—of a proposal for a “stint” in tobacco planting, and of one for laying a tax on land, goes to show that the two houses sat separately. The same is found to be the case on an examination of the proceedings given on pages 32-44—entitled “Journal of the Grand Assembly, held at *James City* the 23d day of *October*, 1666, by adjournment from the 5th of *June* 1666.” The first two paragraphs of the proceedings for *November* 9 are as follows:

“The Honourable Governor sent Knowledge of his pleasure to the House that two or more of the Council might join with the House in Granting and Confirming the Sum of the Levy.

The Humble Answer of the House is that they conceive it their privilege to lay the Levy in the House and that the House will admit nothing without reference from the Honourable Governor and Council unless it be before adjudged or Confirmed by Act or Order and after passing the house shall be presented to their Honours for their approbation or Dissent.”

This shows beyond the possibility of a doubt that the two houses at this time sat separately. The next proceedings preserved, however, those for the *September-October* 1667 session—which have come down without title, but to which the title has been given in this book of “Proceedings of the House of Burgesses”—indicate that it was usual for the governor to assign such members of the Council as he thought fit to assist the committees of the House in their work. Unfortunately, the records given are too meagre to allow us to understand exactly how this method of doing business proceeded, but it appears to be clear that the members of the Council so assigned did not become members of the committees but were merely advisers. The results of the work of the Committees were submitted to the House to be passed on in the usual manner. Nor do we get an intimation of the procedure in the Council in acting on the bills and orders sent up from the House. The governor throughout this period sat with the Council, and the procedure was undoubtedly very simple. The bills and orders were either adopted or rejected by the governor and Council, and there was an end of the matter. There was probably little occasion for conferences on suggested amendments. Hence the clerk of the Council probably wrote out no formal Journal of the proceedings, trusting merely to short, informal memoranda; and even these have now all been lost. The part of the Council in law-making, though real and necessary, being thus not so noticeable as the part taken by the House, and probably not recorded before 1680, led to the opinion widely held in after times—and by many maintained even at the present time—that up to 1680 the legislative assembly of *Virginia* was unicameral.

For the prevalence of this opinion the historian *Robert Beverley* is largely responsible. In his “History of *Virginia*,” first published in 1705, *Beverley* says: “Before the year 1680, the Council sat in the same house with the Burgesses of Assembly, much resembling the model of the *Scotch* parliament; and the Lord *Colepepper*, taking advantage of some disputes among them, procured the Council to sit apart from the assembly; and so they became two distinct houses, in imitation of the two houses of parliament in *England*, the lords and commons; and so is the constitution at this day.”¹ It is rather remarkable that so careful a writer as *Beverley*, the son of that *Robert Beverley* who was for a long time the distinguished clerk of the House of Burgesses, should make a mistake in reference to such an important question. That he did make a mistake, however, seems reasonably certain.

¹ See p. 23.

² See p. 24.

³ See pp. 189-90 of Campbell's edition of *Beverley's* “History of *Virginia*,” published in 1855.

With the 1680 session, or, to be slightly more accurate, with the 1682 session, then, begins, not the separate sitting of the two houses of the General Assembly of *Virginia*—from this time on the body is called the General Assembly, not the Grand Assembly—but the more methodical preparation of the Journal of each house, and, with this, the sending of copies of both Journals to *England*. After this date, though still the Journals of the House of Burgesses are not so full as the historian of the present day would desire them to be, they are a great improvement on what went before, and are of prime importance as a source of *Virginia* Colonial history. The Journals of the Council—beginning with the 1682 session—are also of great importance, and will, it is hoped, be published in a series as soon as the publication of the present series of Journals of the House of Burgesses is completed.

The session of the General Assembly of 1680 began on the 8th of *June* and ended the 7th of *July*. The state house having been burned in *Bacon's* Rebellion, the House of Burgesses sat in the house of Mrs. *Sufanna Fisher* at *James City* (*Jamestown*), the Council in the building used as the county courthouse. On the 9th of *June* the House elected their speaker, *Thomas Ballard* being the successful candidate over two opponents, *Mathew Kemp* and *Isaac Allerton*, and presented him to the governor for his approval.⁴ The governor then formally opened the Assembly by the delivery of a speech. Later it became the custom of the clerks of the House of Burgesses to enter the opening speeches of the governors in full in the Journals, these speeches being usually the most important documents of the session, relatively even more important than the modern governor's or president's message. Though the Journal of the House for the 1680 session does not contain the governor's opening speech, a copy has been fortunately preserved, and it is printed in this volume on pages 147-149.

The document is characteristic of its author, *Thomas*, Lord *Culpeper*, Baron of *Thorfway*, who though he had succeeded *Berkeley* as governor on the death of the latter in 1677, and had been ordered by the king, on the death of Lieutenant Governor *Herbert Jeffreys* in 1678, to take charge of the government as soon as possible, had not arrived off the capes of *Virginia* till *May 2*, 1680, slightly more than a month before the present session of the General Assembly opened. This delay, however, the courtly, if untruthful, author assured the General Assembly was occasioned by the king's express commands, and seemed much longer than it really was to one so desirous as himself of coming at once to the people whom he had been appointed to govern. Even in his enforced absence, however, he had been enabled, he said, to accomplish not a little in the interests of the Colony—payment for which he graciously allowed the Assembly later to make.⁷ Coming down to business, the governor announced that he brought with him three

⁴ As noted before, the Journal of the House of Burgesses for the 1680 session was not kept with the idea that a copy of it would be sent to *England*. Nor does it appear that the regular keeping of the Journal of the Council as a branch of the Assembly was begun at that session, but at the following session. The abstracts given in the "Calendar of State Papers, Colonial, America and West Indies, 1677-1680," Nos. 1375, 1410, 1423, and 1432, appear to be of the proceedings of the Council rather as an executive body than as a legislative one, though legislative proceedings are, indeed, intermingled. The abstracts, however, in the "Calendar of State Papers, 1681-1685," Nos. 478 and 485, dated April 18, 19, 20, 21, 22, and 25, 1682, are undoubtedly of entries in a true Journal of the Council in Assembly.

⁶ Colonel Ballard had been a member of the Council, but, on account of the part played by him in the time of *Bacon's* Rebellion had not been named as one of that reconstructed body in the instructions accompanying Lord *Culpeper's* first commission as governor. In accordance with the spirit, if not the letter, of No. 11 of *Culpeper's* instructions (see *McDonald*, V, 288), which directed that no one suspended from the Council should be allowed to become a member of the House of Burgesses, Colonel Ballard should not have been permitted to take his seat in the House. Lord *Culpeper* knew, however, what trouble his attempted exclusion would occasion, and did not try the issue, having been allowed to delay the execution of such of his instructions as he saw fit for six months after his arrival in *Virginia*. He might have claimed, too, that since Colonel Ballard had not been suspended by him, but dropped by the Privy Council, the case did not technically come within the operation of the order.

⁷ Lord *Culpeper* had first been appointed governor of *Virginia* for life on July 8, 1675, to take office, however, only on the death of *Berkeley* or the surrender or forfeiture of the office by him (*McDonald*, V, 276). Colonel *Herbert Jeffreys* was merely the lieutenant governor, acting first in place of Governor *Berkeley* and then in place of Lord *Culpeper*. Colonel *Jeffreys* died in November, 1678, and was succeeded by Sir *Henry Chicheley*, who acted as deputy governor for Lord *Culpeper* till the arrival of the latter in *Virginia* in May, 1680, and later during *Culpeper's* absences from *Virginia*.

bills for passage by the General Assembly, to which on their enactment he was specially empowered to give the royal assent. The first was entitled "An act of free and generall pardon, indemnitie and oblivion," the second "An act for naturalization," and the third "An act for raising a publique revenue for the better support of the government of this his majesties colony." He also informed the house that his majesty desired to see the erection of one or more towns in *Virginia*, but left to the General Assembly the discovery of the best ways and means for effecting this result. He told of what steps had been taken by his majesty's government, even before the receipt by the king of the address of the preceding General Assembly,* for paying the soldiers in *Virginia* and those who had furnished them quarters, and of his prompt execution of these plans on his arrival in *Virginia*, not forgetting to say that it was on his representation that his majesty had determined to pay the soldiers for the future out of his own purse, looking to the country merely for payment for quarters,—and of one-half of this payment the country would be relieved, for the governor expected himself to pay for the quarters of the company of which he was captain. On the question of quit-rents the governor, who was vitally interested, for to him and Lord *Arlington* had been granted some years before the quit-rents and escheats of the whole of *Virginia*, spoke with more reserve, saying merely: "The other part of y^e Letter Concernes y^e Quit rents, w^{ch} I had also long since represented unto his Ma^{ty} wherein as soon as he shall be fully Informed of y^e state you are in, and your readines and cheerfulness for his service and y^r owne good I doubt not but such measures will be taken both for y^e past and future as wilbe Satisfactory to all Interests (that I have therein shall never stand in Competition to yours) and Conduce to his ma^{ty}'s service, and y^e good of this Colony, to w^{ch} my utmost Endeav^r shall be alwaies ready." In reference to Indian affairs the governor wished to be fully informed, so that he might act most wisely for the public good; and there was no better time, he said, for the people to bring forward accounts of their grievances, which he would remedy if it lay in his power to do so. He hoped that some proposals might be brought forward looking to the advancement of the price of tobacco, but confessed his want of sufficient knowledge, on account of his recent arrival in the Colony, to make serviceable suggestions in the premises. Finally, he asked that the General Assembly be very exact in the statement of public accounts, and that notice be taken that the present levies were for past debts, promising the greatest economy for the future; and he desired that the business of the session be speedily transacted, since, according to his instructions, he was allowed to permit the Assembly to sit but a few days.

The first two bills mentioned in the speech were passed without a dissenting voice. The "Act of free and generall pardon, indemnitie and oblivion" pardoned all those guilty of treason committed before the 16th of *January* 1676 (old style)—that is, all engaged in *Bacon's* Rebellion—except *Bacon* himself, who by the act was attainted of high treason, all his property in *Virginia* being forfeited to the king, the eight "rebels" (mentioned by name) tried by jury, legally convicted, attainted, and executed for their participation in the rebellion, and *Richard Lawrence*, "who ffreed *James City* and is since fled." It also disqualified from ever holding office five other named participants. One of these was *John Langston*. *Langston* had been elected to represent *New Kent* county in this Assembly, but was refused a seat, to his petition that "he be taken out of the exception in his Majesties bill," it being answered by the House "that the House conceives the petition ill timed, and that it will be more proper for him to apply himself

* This address or petition is printed on page 118 of the present volume. It merely prays that the king will see that measures shall be taken for the payment of the soldiers in *Virginia*—those stationed there since the time of *Bacon's* Rebellion—and of the persons who had furnished them quarters, for the remission of the arrears of the quit-rents, owing to the distressed condition of the country, and for the use of the quit-rents in the future for the purpose of defending the Colony. The letter of the king mentioned in the governor's speech is printed in the "*Virginia Magazine of History and Biography*," IV, 361.

* This instruction had been given him in accordance with a recommendation of the report of the commissioners appointed by the king at the time of *Bacon's* Rebellion. These commissioners had found that the expense involved in the long sitting of assemblies was one of the principal grievances of the people.

to another Assembly." For the prevention of endless suits and prosecutions which might grow out of the deeds committed in the time of strife, the act provided that there should be no redress for injuries done between the first of *May* and the 16th of *January* 1676 (old style) unless judgment had been obtained before the 25th of *April* 1679. And in order that in the future wholesale disturbances of the peace might be rendered less likely, if not impossible, severe penalties were provided for speaking of the government or the governor, councillors, judges, or principal officers in such a manner as to incite insurrection and rebellion.

The "Act for naturalization" had for its purpose the encouragement of the immigration of aliens into *Virginia* by making it easier than it had been before for them to be naturalized. Whereas, before, aliens could only be naturalized by act of the General Assembly, by this act the power of granting letters of naturalization was vested in the governor.

The third act, the "Act for raising a publique revenue for the better support of this his majesties Colony," was one of the most important measures ever passed by the General Assembly, and was agreed to by the Burgesses only after the governor and Council consented that two amendments be added to the bill as originally sent to them. The dispute developing between the governor and the House in reference to its passage was the only violent one of the session, and the governor, though he had positive instructions to have the bill passed in the form in which it was handed him on his departure from *England*, thought best to yield. This bill, with the two described in the preceding paragraphs, was delivered to the House on the 9th of *June* and read at once. It was then, with the two other bills, referred to the Committee for Propositions and Grievances for special examination, who reported on the 11th that it was their opinion that the "Act for free and generall pardon, idemnitie and oblivion" and the "Act for naturalization" should be passed, but that the former laws confirmed by his majesty concerning the imposition of the two shillings per hoghead and the castle duties should be continued, and that the House "doe most humbly desire to be excused if they doe not give their approbation of his Majesties bill for the same." On the 12th of *June* the report of the committee in reference to the bill was adopted by the House, and again on the 17th the bill was read and the report of the committee confirmed. It was ordered on the 18th that the report of the committee on the three bills should be sent the governor and Council, and the question being put whether a debate about the amendment of the revenue bill should be entered into it was resolved in the negative. The next day *Henry Hartwell*, clerk of the Council, as he was styled by the clerk of the House of Burgesses, or clerk of the General Assembly, as he was styled by the governor, appeared in the House with the request from the governor that the three bills sent from *England* be delivered to him. After debate, it was decided that the bills should not be delivered to *Hartwell*, but taken to the governor by a special committee of the House, with the clerk of the House in attendance. The next move was the appointment by the governor of members of the Council to hold a conference on the subject of the bill with such members of the House as should be appointed.* The House agreed to the conference, which was held, the report of the House members being brought in on *June* the 21st.

* At this session and for several sessions after this the governor and Council sat together in considering bills and other legislative measures, the governor appointing the committees for conference and other committees and taking the leading part in the proceedings. After the Assembly of 1685, however, at which there occurred the great dispute over what the Burgesses called the "double negative voice" claimed by the governor, the governors allowed the members of the Council to consider bills in the governors' absence.

According to Culpeper's first commission and set of instructions, the House of Burgesses was to be called the General Assembly, but he did not make public his orders as therein contained, beyond the probable communication of them to the Council, or proceed to execute them, having secured permission to delay. That he should style the clerk of the Council the "clerk of the General Assembly" shows that he expected to be able to secure a change in his commission and instructions. Nor did he deliver to Robert Beverley, the clerk of the House, or clerk of the Assembly, as the title then ran, the order of the Lords of Trade of January 14, 1679/80, in reference to the transmission of Journals of the Assembly to England. He and the Council undoubtedly hoped in some way by assigning the title of the clerk of the General Assembly to the clerk of the Council to secure an advantage over the House pending the new commission and instructions expected.

On the 23rd, by a vote of 21 to 17, the House resolved that no further debate should be had in reference to the passage of the bill, and the same day apprised the governor of their determination. The next day, however, the governor called the members of the House into his presence and succeeded in inducing them to reconsider their action.

His speech on that occasion, reported in the Journal in what is evidently so imperfect a form as to be in parts obscure, was exceedingly adroit, ranging in tone from intimidation through argument to persuasion. He rallied the Burgesses with seeming in their refusal to continue the consideration of the bill to arrogate to themselves the sole power of law-making, and either to have no good reasons for their opposition or to be afraid of being convinced by the bill's advocates. He argued that the king had the undoubted right to lay the imposition, and, if the act did not pass, might possibly collect by royal order a greater sum than the amount to be collected under the act. He assured them that the money collected was to be used solely for the support of the government of *Virginia*, as was evidenced by the very words themselves of the bill, "and to and for noe other use, intent, and purpose whatsoever," the insertion of which in the bill he had himself obtained. For this piece of service he asked credit, and for what he had done in the matter of the appointment of the auditor."¹¹ He offered, if the bill were passed, to join with the Burgesses in a petition to the king that the money might always remain in *Virginia*, that it might be accounted for to the Assembly, and that the auditor—the officer collecting and disbursing the revenue—might always be named by the king from among the residents of *Virginia*. If the bill were passed, too, the king might be more disposed to grant the petition of the year before for the remission of the arrears of the quit-rents, the public credit would be enhanced, poll taxes might be reduced, and the king would look more favorably on proposals coming from the Burgesses in reference to a "cessation" or any other scheme that might be devised in the interests of the planters of *Virginia*.¹²

So much for Lord *Culpeper's* public deliverance. In private, too, he exerted, we may be sure, his influence to the full. He himself has left record of his methods on other occasions and perhaps on this in a statement dated *September 20, 1683*, addressed to the Committee of Trade and Plantations, giving an account of how he had conducted himself as governor. Of this long statement the following is one paragraph: "I cannot on this occasion omit to Recommend to His Ma^{tie} by your Lord^{ships} Col *Isaack Allerton*, as a person most Fitt to be of His Councell there, He hath been all along Extremely well affected, was Very Instrumentall in Inducing the Assembly to passe the Revenue Act in 1680, is a prudent Learned man, and an Excellent speaker in the House of Burgesses where though not desiring it He missed being chosen speaker last *November* but by one voyce and I verily beleieve will be Speaker of the next Assembly. He did Assure me of his utmost services in whatsoever the King should command Him by His Governor particularly as to a Further Bill of Revenue for the Support of the Government And I did engage to moove His Ma^{tie} that He should be of the Councell and should have all Advantages thereof, as from Midsummer last, though not to be declared till after the session of next Assembly, where I am sure He can (and I beleieve will) be as servicable if not More then Any other person whatsoever, Had he been present in the Assembly of *Aprill 1682*, matters had not been Carryed soe."¹³ Here we have undoubtedly the record of a bargain, though we cannot say, of course, how far, if at all, it was necessary for *Allerton* to sacrifice his convictions in his support of the revenue measure. And there were probably other bargains.

¹¹ In reference to this matter the following memorandum is found in the minutes of the meetings of the Privy Council: "On the 17th of October 1679 Robert Aylway being heard by his Counsel learned, upon his Petition to be admitted unto the place of Auditor of Virginia granted to him by Letters Patents dated the 16th of January 1677 and the Lord Culpeper being also heard the Petition was dismissed it appearing that the said place was in the possession of Coll Nathaniel Bacon and that his Maty confirmed the same unto him by a precedent Warrant under His sign Manual dated the 11th day of May 1675." (See McDonald, V, 342.)

¹² This was the stoppage of the planting of tobacco for a time—one of the most important matters then engaging the attention of the members of the General Assembly.

¹³ McDonald, VI, 117.

But the governor did not achieve a sweeping victory, if, indeed, the passage of the bill in the form in which it was finally signed may be considered a victory at all, for on the day following his excellency's speech the House voted in favor of the passage of the bill, only, however, with two provisos attached, the one repealing all former laws on the subject and the other remitting the tax in the case of tobacco shipped in vessels owned in *Virginia*. There were already three general laws on the statute books for raising permanent revenue as distinguished from the levies made from time to time. The first of these was passed in *March 1661/2*, had the title "Imposition of two shillings per hoghead," and its preamble was as follows: "This present grand assembly of *Virginia* taking into serious consideration the burthenfome and unequall way of laying taxes by the pole and how they may with most honour and ease support the government in well paying his majesty's officers and as meanes perhaps of introducing mony, and an incouragement to men to produce other usefull and benefitall commodities have thought fit to impose two shillings per hhd. upon every hhd. of tobacco that shalbe shipped on board of any ship or other vessel within *Virginia* to be exported: and the collectors of the said imposition to dispose of no part thereof, but by order of the grand assembly only."¹⁴ The second was passed in *March 1661/2*, and was entitled "Castle duties to be paid." The object of this law was the collection of money to keep up the fortifications at *Old Point*.¹⁵ The third was passed in *December, 1662*, had the title "An Act for the imposition of two shillings per hoghead," and was in effect a reenactment of the first act, with additions ordered by the Council of Trade for the Plantations, the body in *England* at that time having the affairs of the Colonies under its immediate charge. The law was important, however, because of its preamble, in the following words: "Whereas the kings most excellent majesty hath been graciously pleased by his instructions to the right honourable Sir *William Berkeley* bearing date the twelveth of *September 1662* to confirme the imposition of two shillings imposed by a former act of assembly upon every hoghead of tobacco exported out of this collony, with the limitation offered to his majestie by his majesties council of trade for the plantations."¹⁶ This preamble shows that the king, though not formally by an order in Council, the method usually adopted in the confirmation of Colonial laws, had in effect confirmed the preceding law of 1661/2, whence it was not competent to the General Assembly of *Virginia*, in *English* legal theory, to repeal that law unless the consent of the king were first obtained. Now the Burgeffes demanded that all these laws be repealed by the first proviso attached to the bill at present under consideration, in order that there might be no possible danger of the double collection of the various taxes. The governor urged that the three acts already in existence should be repealed by a special act of the present General Assembly and that the privileges of *Virginia* owners of ships set forth in the two acts on the subject already in existence should be confirmed to them so far as the present revenue bill was concerned by another special act of the present Assembly, and that the revenue bill should be passed as brought from *England*. He sent to the House for their acceptance a petition to the king setting forth the situation and praying that his majesty, though he had as some thought confirmed the act of 1661/2 and had not granted permission that an act should pass repealing it, would nevertheless in the peculiar circumstances of the case vouchsafe his confirmation of the repeal. The petition then went on to pray that his majesty would always appoint as the auditor of the Colony some deserving person residing here who had first been recommended by the governor. All this was in vain. The House immediately on the receipt of the governor's petition sent him their final word: "This house in all humillity Signifie to yo^r Excellency, that they canot with Safety pass the said bill without the Additions & provisos (mentioned by yo^r Excellency & the Councell) be added and included as part & parcell of the said bill; And humbly pray yo^r Excellency and the Councell will please to Assent to the said Additions and provisos, that the said bill may Soe pass into an Act of this Generall

¹⁴ Hening, II, 130-32.

¹⁵ Hening, II, 134.

¹⁶ Hening, II, 176-7.

Asssembly, and noe otherwaies." The governor was compelled to yield. Nothing further from him appears in the Journal, but two days after the message of the House was sent him, the following communication came to the House from the Council: "The Councell having considered the house of Burgeesses Propositions for Provifoos to his Majesties bill for the imposition of 2/s per hh. &c. Doe Unanimously consent to the same."¹⁷ The act as signed carried the two provifoos insisted upon by the House. When this act reached *England*, the second provifo attached by the General Asssembly was stricken out, and the rest of the act confirmed by the king in Council. The Privy Council wrote, in part very sensibly, to Lord *Culpeper*: "We have only disapproved of the last provifo in the Act for raising a public revenue, whereby the *Virginia* owners are freed from paying the dutys imposed by the Act which we esteem very irregular and unfit to be allowed of, not only in as much as it derogates from the Act transmitted by his Majesty which ought to have passed, *in terminis*, but because it is very unequal that greater encouragement should be given to ships belonging to Inhabitants of *Virginia* than to ships that are belonging to other of His Majesties subjects, there being no such difference put upon the Ships of *Virginia* Owners here in *England*, and which in time may frustrate the End of this Act in case they should possess themselves of so many ships as to export the whole product of *Virginia* or a considerable part thereof."¹⁸

The act provided for the collection of the following duties: two shillings per hoghead, or five hundred pounds of tobacco in bulk, exported; one-half pound of gunpowder and three pounds of leaden shot (or, in lieu of this, one shilling and three pence) per ton on every ship coming to the Colony; and six pence on each person brought in except mariners. These were to be paid "to the kings most excellent majestie, his heires and succeffors forever, to and for the better support of the government of this his majesties colony of *Virginia* in such manner as is herein before expressed, and to and for noe other use intent and purpose whatever." Whereas the revenue collected under the former acts, which this act displaced, was expended under the control of the General Asssembly, the revenue arising under this act was, it soon developed, to be under the control of the governor and Council. For many years disputes between the House of Burgeesses on the one hand and the governor and Council on the other were to arise over its interpretation. The effect of the act was to add greatly to the power of the governor by rendering him to a very great degree independent of the Asssembly in money matters.

In addition to the three acts sent over from *England*, fourteen acts were passed at this session of the Asssembly. The different steps in the passage of no one of these can be traced in the Journal, and nothing whatever is said or remotely hinted in reference to most of them, the only record made being the following in the proceedings for *July* the 3rd: "Severall bills for Lawes read in the House and allow'd and Ordered to be sent to his Excellencie and the Councell," and the following for *July* the 5th: "Severall bills for Lawes and Orders read in the house and Ordered to be Sent to his Excellencie and the Councell for perusall and allowance."¹⁹ All these laws are given in full in *Hening*,²⁰ and many of them are laws of much interest and importance.

The style of the enacting clause of each is "Be it enacted by the kings most excellent majesty, by and with the consent of the General Asssembly," with an occasional variation of no importance, this being the style of the enacting clauses of the three acts sent over from *England*, and having been adopted for all the acts of the session at the direction

¹⁷ See p. 136.

¹⁸ McDonald, V, 364.

¹⁹ This statement shows how defective the early Journals are. They are, indeed, with all their deficiencies, invaluable historical records, but as specimens of the art of journal-writing, they compare very unfavorably with their successors of a later day. The clerks omitted a very great deal of what they should have noted, nor are their entries always clear. After the present session, however, much improvement is to be noticed in the keeping of the Journals.

²⁰ *Hening*, II, 409-488.

of the governor." The usual form of the enacting clause of *Virginia* Colonial laws was, with inconsequential variations, "Be it therefore enacted by the governor, Council, and Burgesses of this General Assembly, and it is enacted by the authority aforesaid," a form which had become crystallized by 1680—the term "Grand Assembly" being used instead of "General Assembly"—and which was used in the acts of succeeding sessions up to the days of the Revolutionary War.

Probably the most interesting act of the session, with the exception of the three sent from *England*, was the "Act for cohabitation and encouragement of trade and manufacture." Of the steps of its passage through the House a few glimpses are to be had in the Journal. As already stated, the governor in his opening speech communicated to the House that he had been commanded to secure the passage of such an act by the Assembly, the details of the measure having been left to be worked out by the members thereof. The first intimation given in the Journal that work on the measure was under way, is found in the proceedings for *June* the 24th. It is recorded that the vote was taken on the question whether the places where the towns were to be erected should be fixed by the Burgesses or by the voters in the counties. It was resolved that they should be fixed by the Burgesses. On *June* the 29th, the House named the places for five of the towns—when the others were named does not appear. In the proceedings for the first of *July* is this entry: "A Committee Appointed to Examine y^e Bill drawne by Rob^t Beverley Clerk concerning the townes and make report thereof," and for the second of *July* the following: "The bill intituled an Act for Cohabitation and Encouragement for trade and Manufactures read in the house and allow'd and Ordered to be Sent to his Excellencie and the Councell for allowance and approbation."¹ This is the last reference made to the bill in the Journal, except in so far as it is included in the number of laws and orders referred to as being read on the last day of the session and signed by the governor and the speaker of the House.

From the preamble of the law as printed in *Hening*² it is learned that it was hoped that the establishment of towns containing warehouses for the reception of all articles imported or exported would have a salutary effect in advancing the price of tobacco, the condition of the trade in tobacco causing at that time a great deal of concern. It is not made plain by any means, however, how the desired effect was to follow. It is easy to see how the collection of the tax on tobacco would have been facilitated, and how, if—as was later done—inspection of the tobacco had been provided for and the poorer grades excluded from shipment, this might have had a good effect on the prices obtained for that allowed to be sent abroad, but it does not appear how the mere shipment from one place rather than another could have produced this effect. Further, the establishment of towns in which could have been collected a trading and manufacturing population would in the course of time have diversified the industries of the people of the Colony and thus aided to their number and wealth. But this reason for the passage of the bill

¹ In this Lord Culpeper made a mistake, since No. 30 of his first set of instructions is as follows: "And you shall take care that the stile in the framing and enacting Laws, be as followeth, Be it enacted by the Kings most Excellent Maty by and with the consent of the Great Assembly" (McDonald, V, 304). He afterwards explained that his failure to have the exact form observed was a mere oversight. The section of his second set of instructions dealing with this subject is, "And you are to observe, in the passing of Laws, That the Stile of enacting the same By the Governor Council and Assembly be henceforth used and none other" (McDonald, VI, 117). But the governor did not follow this instruction either, for the laws passed at the November 1682 session were enacted by the "governor, Council, and Burgesses of the General Assembly." In his report made to the Lords of Trade September 20, 1683, Lord Culpeper had this to say touching his action: "On the Unanimous Request of the Council that the House of Burgesses might not Draw Advantages to its selfe in their late frivolous dispute with the Councell about priviledges, as if the Councell were noe part of the Assembly, I did think fit to enact the thirteen Lawes I then passed, by the stile of Governor, Councell and Burgesses of the General Assembly" (McDonald, VI, 117).

² From this entry it would seem that not always at this time did bills receive three readings, though the three were undoubtedly given the bills sent from England. All statements, however, in reference to procedure must be made with extreme caution, owing to the defectiveness of the Journals.

³ *Hening*, II, 471-478.

is not given in the preamble—merely the good effect the act would have in enhancing the price of tobacco.²⁴

The act provided that fifty acres of land should be purchased by each county, which should be laid off as a town in which storehouses should be erected. The place in each county where the town should be laid off was named, the price to be paid for the land fixed, and the method laid down for purchasing and holding the land. Encouragements to persons to build dwelling houses and warehouses were provided. To these towns after the first day of the following *January* were to be brought all the tobacco and other articles to be exported from the Colony, and if anyone shipped his tobacco or other merchandise from any other place, or even sold it in any other place if it was finally to be exported, he was, on due proof of the transaction, to lose the whole amount involved, one-half going to the informant and the other to the king. Likewise, under the same penalty, after the 29th of *September*, 1681, all goods imported, indentured servants, and negroes were to be landed at the towns only.

The law was doomed to failure from the start. The inducements offered for building the warehouses were insufficient, and few, if any, were erected. The law proved a clog rather than a help to trade, and in the effort on the part of some of the Colonial authorities to have it executed so many vexatious suits arose that it was not long before it was found necessary by the *English* government to suspend it. The Commissioners of Customs, to whom the Lords of Trade and Plantations referred the act for advice, mercilessly riddled it.²⁵

The principal author of the bill was *Robert Beverley*, the clerk of the House of Burgesses. It was *Robert Beverley* who as clerk of the House in 1677 had refused to give the papers of the House to the king's commissioners for the affairs of *Virginia* appointed at the time of *Bacon's* Rebellion, thus incurring their violent animosity. From this animosity it resulted, the commissioners having for some time after their return to *England* great influence with the Lords of Trade and Plantations in *Virginia* matters, that Lord *Culpeper* was directed to exclude *Beverley* from office. On his arrival in *Virginia*, however, he found that not only the members of the House of Burgesses but the members of the Council as well supported *Beverley* for the position of clerk of the House. The position had before this time been filled by election by the House, but it was now necessary, seeing that *Beverley* had been put under the ban in Lord *Culpeper's* instructions, for the House to petition the governor that *Beverley* be continued in office. The Council unanimously advising that this be done, the governor consented to act contrary to his instructions, and *Beverley* resumed his duties as clerk. His influence in the House was paramount, and at that time was very great in the Council also.²⁶

²⁴ In the instructions given to Lord *Culpeper* directing him to have a law for the erection of towns passed, nothing is said about the effect that the shipment of tobacco from wharves in towns rather than from wharves in the country would have upon the price of the commodity; it is said merely that the towns would "tend much to the security and profit of the country." Accordingly, the authors of the bill are responsible for the argument advanced in the preamble, and it was probably inserted merely to catch votes, the average member of the House of Burgesses being at that time, we may be sure, likely to look with favor on the passage of any measure promising even indirectly to advance the price of tobacco.

²⁵ "Calendar of State Papers, 1681-1685," p. 152.

²⁶ The orders in reference to *Beverley* were Nos. 69 and 70 of Lord *Culpeper's* first set of instructions, as follows:

"69. And whereas we are given to understand that the Assembly of *Virginia* have lately made a representation unto Col. *Jeffreys* our late Lieutenant General setting forth that our late Council for the affairs of that our Colony having called for and forced from *Robert Beverley* clerk of the Assembly into their own hands and keeping for several months all the original Journals and published papers of the Assembly declaring in their warrant to have full power and authority from Us under the Great Seal of *England* to Command the same which they supposed We would not grant, for that they find not the same to have been practised by any of the Kings of *England* and did therefore take the same to be a great violation of their privileges desiring withal satisfaction to be given them that they might be assured no such violation of their privileges might be offered for the future. We do require and Command you at the first conveniency after your arrival in *Virginia* to signify our high resentment of this Disloyalty and seditious Declaration, and to find out with the assistance of Our Council who were the Authors and abettors of that so they may receive the marks of Our High Displeasure, for this their great presumption.

70. And whereas Colonel *Robert Beverley* clerk of the General Assembly and Colonel *Edward Hill* President of *Charles City County* have been represented and attested unto Us as persons of Evil fame and behaviour in their respective Offices you are to take care that they are put out of all public Employment and not admitted into any place of trust until Our Royal pleasure be further known" (McDonald, V, 325, 326).

The same course was followed by the governor in reference to *Hill* as was followed in reference to *Beverley*.

The laws and orders of the session were signed by the governor on the last day of the session, although it was the original intention of the home government that they should first be sent to *England* for examination. The paragraphs in Lord *Culpeper's* first commission bearing on the General Assembly are as follows:

"4. And we hereby give and grant unto you with the advice, and consent of the said Council full power and authority from time to time to summon or call General Assemblys of the Freeholders and Planters within said Colony and Dominion, as hath been formerly practised and used in the said Colony and Dominion.

5. And our Will and Pleasure is that the persons thereupon duly elected and having before their sitting taken the Oaths of Allegiance and Supremacy which you shall commissionate fit persons under the Seal of our said Colony and Dominion to administer and without taking which none shall be capable of sitting though elected, shall be called and held the General Assembly of the said Colony and Dominion of *Virginia* and shall have full power and authority to agree and consent unto all such Laws, Statutes and Ordinances for the public peace, Welfare, and good Government of the said Colony and Dominion and of the people and Inhabitants thereof and such others as shall resort thereunto and for the benefit of Us Our Heirs and Successors as having been by you (with the advice of the said Council) framed and transmitted unto Us shall be by Us approved and remitted unto You under Our Great Seal of *England*, in order to be there enacted by your giving our Royal Assent thereunto. Which said Laws Statutes and Ordinances are to be by you framed, as near as conveniently may be, to the Laws and Statutes of our Kingdom of *England*.

6. And we do hereby, nevertheless, authorize and empower you in case of Invasion, Rebellion, or some very great necessity to pass an Act or Acts (by and with the consent of the General Assembly) without transmitting the same first unto us to raise money within our said Colony and Dominion to answer the occasions arising by such urgent necessities. And we give you likewise full power from time to time as you shall judge it necessary to dissolve all General Assemblies."

Numbers 23 and 24 of the instructions accompanying the commission are as follows:

"23. And whereas it is our Will and Pleasure that for the future no Grand Assembly be called without our special directions, but that upon occasions, you do acquaint us by letter with the necessity of calling such an Assembly, and pray our consent and direction for their meeting. You shall at the same time transmit unto us with the advice and consent of the Council a draft of such Acts as you shall think fit and necessary to be passed that We may take the same into our consideration and return them in the form we shall think fit they be enacted in. And upon receipt of our commands you shall then summon an Assembly and propose the said Laws for their Consent. And we have at present Ordered, to be delivered unto you herewith, an Act of Free and Gracious Pardon, Indemnity, and Oblivion also an Act for raising a Public Revenue. Together with an Act of Naturalization framed by our Privy Council here. And approved by Us as necessary for the Use and benefit of Our said Colony. Which upon your arrival there you shall offer unto the next Assembly that they may be assented to, and enacted as originally coming from us.

24. We are willing nevertheless that in case of Invasion Rebellion or some very urgent necessity you pass an Act or Acts with the consent of the Grand Assembly (which you may call to that end without our special direction) and without transmitting the said Act or Acts unto Us to raise money within our said Colony and Dominion (copies whereof you shall forthwith transmit unto one of Our principal Secretaries of State and to the Lords of our Privy Council appointed a Committee for Trade and Plantations."

From all this it may be seen that it was the intention of the home government at that time to take away from the House of Burgesses all real power in legislation. The plan was to have the governor and Council suggest to the home government measures which, amended, were to be sent over for the House of Burgesses, now styled the General

" McDonald, V, 302, 303.

Assembly, to adopt. The approved legislative custom of years was to be changed almost in a breath, and the power of the representatives of the people of *Virginia* was to be reduced to a mere form. If this plan had succeeded, the next step would have been to abolish the House, or General Assembly, altogether. The three bills were evidently sent over as an experiment, and Lord *Culpeper* had been given permission to delay putting into full effect the new features of his commission until the result of the experiment should be known. His experiences with the House in reference to the passage of the revenue bill, fortunately, convinced him that the plan of the home government was impracticable, and he was able to convince the Lords of Trade. As soon as his first Assembly was prorogued, he went to *England*, and was able to secure a new commission and set of instructions, according to which the power of the governor to call meetings of the General Assembly without first securing permission from *England* and the power of the *Virginia* legislative body in making laws and of the governor in passing them were left practically as they had been before his first commission was issued, though the House of Burgesses was still to be called the General Assembly or the Assembly. The paragraphs of the second commission dealing with this subject are as follows:

"7. And we do hereby give and grant unto you full power and authority, with the advice and consent of the said Council, from time to time as need shall require, to summon and call General Assemblies of the Freeholders and Planters within your government in manner and forme as is now practiced in *Virginia*.

8. And our Will and Pleasure is that y^e persons thereupon duly elected by the major part of the Freeholders of the respective Counties and places and soe returned (and having before their sitting taken y^e Oaths of Allegiance and Supremacy which you shall commissionate fit persons under the Publick Seale to administer and without taking which none shall bee capable of sitting though elected) shall be called and held the General Assembly of that Colonie and Dominion.

9. And that you the said *Thomas Lord Culpeper* by and with the advice and consent of our said Council and Assembly or the major part of them respectively have full power and authority to make, constitute and ordain Laws, Statutes and Ordinances for the public peace, Welfare and good Government of Our said Colonie, and of the People and Inhabitants thereof and such others as shall resort thereto and for the benefit of Us, Our Heirs and Successors.

10. Which said Laws, Statutes and Ordinances are to bee (as near as conveniently may bee) agreeable unto the Laws and Statutes of this Our Kingdom of *England*.

11. Provided that all such Laws, Statutes and Ordinances of what nature and duration whatsoever bee within three months or sooner after making y^e same transmitted unto us under the publick Seale of *Virginia* for Our allowance and approbation of them; as alsoe duplicats thereof by the next Conveyance."¹³

The first commission of Lord *Culpeper* had no permanent effect on Colonial *Virginia* law-making.¹⁴ Nor did the second in so far as it contemplated a change in the name of the House of Burgesses, which was, indeed, only a matter of words. Though the paragraphs of this commission relating to the Assembly were copied almost verbatim in succeeding commissions to a late period, the old style of the enacting clause continued to be used, and the legislative methods which had evolved under earlier grants continued their natural growth.¹⁵

¹³ McDonald, VI, 15.

¹⁴ That this was so resulted to some extent from the governor's own attitude toward them, for he refrained from putting them into operation, and later exerted his influence in *England* to have them changed. Whether he deserves any credit for this attitude is another question. It is more than probable that his course was the result of the fear that execution of the provisions of the first commission would result in violent commotions in *Virginia* and possibly in rebellion.

¹⁵ The instruction given Sir William Berkeley in 1642 on the subject of Grand Assemblies reads as follows: "That you and the Councillors as formerly once a year or oftener, if urgent occasions shall require, do summon the Burgesses of all and singler plantations there, which together with the Governor and Council makes the Grand Assembly, and shall have Power to make Acts and Laws for the Government of that Plantation correspondent, as near as may be, to the Laws of *England*, in which Assembly the Governor is to have a negative voice, as formerly."

There were also passed at this session of the Assembly a great many public orders, printed in this volume on pages 150-153, similar to orders that it had been usual for the Assembly to pass from the earliest days. They consist in the main of the action of the Assembly on claims, and on petitions and propositions of a special character the subject matter of which did not warrant the passage of general laws. There is, however, among them a declaration in reference to the power of sheriffs to make arrests aboard ships which is of the nature of a law, or, rather, the interpretation of a law; also an order for the erection of a parish, which should have been passed as a law, granting that the General Assembly had the power to deal with the matter at all, for it must be remembered that at this time the erection of parishes and of counties was one of the duties of the governor, so far as commissions and instructions could make it so. There is also an order for the levy of 116 pounds of tobacco per poll on the inhabitants of the Colony at large for the payment of the public claims allowed the present session, and of forty-seven pounds per poll to pay the expenses to be incurred in keeping up the garrisons at the heads of the rivers the following year. The poll tax, the amount of it differing from time to time, had always been levied by means of one of these orders rather than by act, though of course its application was general. However, this was the last time that the tax was thus levied, the "Act for raising a public levy" being hereafter always conspicuous among the laws passed at any session of the Assembly, and occasionally the only one. The truth is, this was the last session of the Assembly at which formal orders of this nature were passed, since in the second commission given Lord *Culpeper* and in commissions to succeeding governors these orders were not named among the legislative enactments that the governors were permitted to sign."

Placing the public orders under the ban went naturally hand in hand with the instruction that no more appeals should be allowed from the General Court to the General Assembly. The latter instruction was a result, no doubt, of the famous case of Colonel *Philip Ludwell*, member of the Council of *Virginia*, who in 1678 had been tried before the General Court on the charge of "scandalizing the governor and abusing the authority of his majesty," and, having been found guilty of the first count though innocent of the other, had appealed to the General Assembly. Such appeals had before that time always been allowed in the regular course of justice in *Virginia*, but the court decided that the case must go to the king in Council. The result was that Colonel *Ludwell* was dropped from membership in the Council as named in Lord *Culpeper's* first set of instructions. He was, however, named by *Culpeper* himself as a member, at the unanimous request of the Council, when the death of Colonel *Daniel Parke* created a vacancy, and he remained a member throughout *Culpeper's* term of office. Though Lord *Culpeper* did not publish that item of his instructions prohibiting appeals to the General Assembly, he later reported to the Lords of Trade that he had seen to it that no such appeals should arise. Lord *Howard*, however, did publish the instruction, the same instruction having been given him on his assumption of the government, and thus was brought about a very considerable change in the administration of justice, appeals thereafter being allowed from the General Court only to the king in Council." The more important of the orders before this were the decisions of the General Assembly acting as the supreme court of the Colony. Now that this kind of order was to be eliminated, it seemed wise to the Lords of Trade not to allow the passage of any of the orders for the future."

"Nor were they named even in Lord *Culpeper's* first commission, but he, as we have seen, had been permitted to delay the execution for six months of the commands given him in his commission and instructions.

"The order in reference to appeals is a part of number 59 of *Culpeper's* first set of instructions and reads as follows: "Our pleasure also is that for the better and more equitable administration of Justice in our said Colony appeals be allowed in cases of error from the Courts of our said Colony to you Our Governor and Our Council there and to no other Court or Judicature whatsoever" (McDonald, V, 320). In *Culpeper's* second set of instructions and in instructions to succeeding governors, this order was changed so as to allow appeals from the General Court in *Virginia* to the Privy Council in England.

"The last of these orders is as follows: "Ordered that Robert Beverley Clerke of the Assembly, do deliver to his Excellencie a Copie of the Report of the State of the Countrey, confirmed by the House and the Councell." The report referred to is printed in this volume on pages 146 and 147, the first paragraph being: "The Councell and Burgeesses of this Genrill Assembly in Concurring with his Excellencies Speech in demonstrating the Estate of affaires in relation to the Indians and other things therein contained, doe present These following reasons." The word "reasons" here means statements or observations.

The members of the House did their work by the help of several committees, which were unassisted by members of the Council. Heretofore it had been usual for the governor, on the request of the House, to assign members of the Council to assist in the work of the committees—the preparation of bills, reports, addresses, petitions to the king, etc. It may be readily understood how this practice facilitated work, since the councillors were almost invariably men who had had years of service in the House before their elevation to the Council, and who were, accordingly, to a certain degree, experts. At this session, however, the proposal that the governor be requested to name members of the Council for this purpose was voted down.³⁴ The only help asked for by the House was the appointment by the governor of the secretary of the Colony or of some other member or members of the Council, as might seem good to his excellency, to aid in drawing a petition and an address to the king. The governor appointed *Philip Ludwell* and *Richard Lee*. The excellently framed papers given on pages 144-146 of this volume are the result of their labor in conjunction with the committee appointed by the House.

The regular standing committees appointed by the House at this session were the Committee to Examine the Writts (in later days called the Committee of Privileges and Elections), the Committee for Consideration of Propositions (called on page 123 the Committee for Examination of Grievances, and on page 125 the Committee of Propositions and Grievances, its usual later title), the Committee for Examination of Public Debts and Claims (the later Committee of Public Claims), and the Committee to Examine Runaway Certificates. These certificates were certificates of amounts owed by the public for the capture of runaway servants and slaves, and the work of this committee was later transferred to the Committee of Public Claims. No Committee for Private Causes, which was before this time the important committee having in charge the causes coming to the Assembly on appeal from the General Court, was appointed at this session, though it was proposed that an address should be made the governor to know his pleasure as to the appointment of such a committee.³⁵ The Journal for this session is silent as to the reception this address met with from the governor. On the day after the introduction of the motion in the House, however, it was ordered "that a Note be put up at the Assembly house Doore to give notice that all private causes depending in the Assembly by appeal are refer'd to the Next Assembly."³⁶ It may be inferred from this that Lord *Culpeper* replied that there would be no time at this session for the committee to enter upon this work, and entries in later Journals show this inference to be correct, as does the report, referred to above, made by Lord *Culpeper* that he had not allowed any appeal cases to be considered by the General Assembly. In addition to the committees named above, there was a Committee to Examine the List of Clerk's Fees, which was probably, however, a special committee, and there were, of course, the special committees appointed from time to time to wait on the governor and Council to carry bills and communications of various kinds, and the committee appointed to confer with a committee of the Council on the revenue bill.

There being in *Virginia* at that time twenty counties having two representatives each and one town with one representative, the membership of the House consisted of forty-one, forty of whom, it will be seen from the list given on page 120, were present at one time or another in the session. Thirty-two of these were present on the third day of the session, with two who were not allowed to take their seats—*John Langston*, whose case has been referred to above, and *William Sherwood*, who was said to have been convicted of felony and was thus rendered incapable of sitting as a member—and one, *Saint Ledger Codd*, who had been elected as a burgess by two counties and had not

³⁴ See p. 122.

³⁵ The governor had said in his opening speech that the session was to be a very short one, and the House sent to the governor to find out whether it was his opinion that there would be time to enter into a consideration of these appeal cases. They did not know as yet of his instruction that the Assembly was not to be permitted in the future to deal with such causes.

³⁶ See p. 123.

yet made his choice as to which he would represent. Thirty-five elected representatives out of a possible forty-one—or forty, when the case of Colonel *Codd* is taken into consideration—was a good attendance, considering the difficulties of travel in those days.

Second Session.

THIS session of the Assembly was held under very unusual circumstances, and its results were also unusual. So far as legislation is concerned, there were no results at all, for the only bill that the majority of the Burgesses wished passed could not, in the circumstances arising since the Assembly had been called, be agreed to by the Council, and the measure which the deputy governor and the Council wished adopted was considered by the House of subordinate importance and a measure to be debated only after the other had received attention. Lord *Culpeper* was still in *England*, and Sir *Henry Chicheley*¹⁷ was acting governor in his stead. An order had been sent over from the home government that no meeting of the Assembly should be held till the 10th of *November*, when, it was supposed, Lord *Culpeper* would be back in *Virginia*. This order had not, unfortunately, come in time to prevent the calling the meeting, though it had been received a few days before the members arrived in *Jamestown*. The Assembly had been called together, without the advice of the Council, by an old and vacillating chief executive, dominated by a younger, abler, and more forceful man, *Robert Beverley*, the clerk of the House of Burgesses. An address had been drawn up by the Assembly at the preceding session and sent the king asking that he proclaim a "cessation" of the planting of tobacco for the year 1681, but the request had not been granted. It was now the plan of *Robert Beverley* and other leaders that the result should be accomplished by the passage of a law in *Virginia* prohibiting the planting of tobacco in 1682. The long delayed ship that brought the order prohibiting the calling of the Assembly before the 10th of *November*—except in extraordinary circumstances and by the advice of the majority of the Council—brought also the command that the two companies of *English* soldiers in *Virginia* should be disbanded unless paid for the future by the Colony. The date set for their disbandment was *April* 1, which had indeed passed before the arrival of the ship on the 13th of the month, and Indian affairs were by no means in a satisfactory condition. In the embarrassment occasioned by the receipt of these two orders so soon before the date of the meeting, some of the members of the House having already set out for *Jamestown*, the deputy governor decided, with the consent of the Council, to allow the Assembly to meet, but to permit the consideration of no matter except the question of the continuation of the soldiers in service.

The ineffectual efforts on the part of the House to proceed in the transaction of other regular business before taking into consideration the question of the continuance of the soldiers in service, are set forth in the Journal. When at last it became manifest that the House would do nothing in reference to the latter question unless they were permitted first to pass other legislation thought even more essential for the safety of the country, the deputy governor, now having the Council about him and hence not to be so readily influenced by *Beverley*, and having, moreover, the positive order from *England* to hold no meeting except on the advice of the Council, prorogued the Assembly to the 10th of *November*. This was on *April* 25. The session thus lasted only seven days.

No bill for a "cessation" was actually presented, but from the address of the Burgesses to the deputy governor and Council, drawn up the second day of the session and submitted to the House at 11 o'clock at night, the feeling of the members on this subject may readily be estimated. Later it was ordered that a copy of this address be given the representatives of each county, with an abstract of the reasons given in it for a continuance of the session—for the purpose of letting the public know what had been done.¹⁸

¹⁷ Sir Henry Chicheley's official designation was "deputy governor," according to the commission issued him February 28, 1673/4. (See "Calendar of State Papers, Colonial, America and West Indies, 1669-1674," p. 559.) He, however, is frequently styled lieutenant governor in the official communications of the time.

¹⁸ It must be remembered that the sessions of both houses were at that time secret. Hence this order was necessary, if the country at large was to be informed of the proceedings of the House.

In the paragraph of the address dealing with the deplorable condition of the tobacco trade of the country, it was intimated that if the Assembly did not provide relief dangerous consequences might ensue from the desperation of the people. This paragraph was probably not intended to incite disorder, only to intimidate the deputy governor and Council into granting the desire of the House. However, almost immediately after the Assembly was prorogued, the plant-cutting riots broke out in *Gloucester* county, later spreading to adjacent counties, which occasioned so much trouble and anxiety to the government of *Virginia*.³⁹

The Journal of the House for this session, though it records no results accomplished, is of much interest and value for the information to be secured from it on several matters which might otherwise be obscure. From the last paragraph of the address of the House to the deputy governor and Council on the subject of the continuance of the session it is seen how usual and natural had been the appeal of law cases from the General Court to the General Assembly. One of the reasons given for the continuance of the session at that time was the necessity for clearing the docket of these appeal causes transmitted to the Assembly of 1679 and by that Assembly referred to the 1680 Assembly, when by order of Lord *Culpeper* no causes of this nature were considered. If these causes were not now to be heard and decided, it was said, great inconvenience, if not a total failure of justice, would result. It is also learned⁴⁰ that causes in law came to the General Assembly not only by appeal from the decision of the General Court (the governor and Council acting as a court of law) but also occasionally by transmission from the General Court before judgment had been passed on them by this body.

On *Saturday*, the 22nd of *April*, the Committee for Private Causes was duly appointed by the speaker, who named also the members of the Committee of Propositions and Grievances—called in the Journal the Committee for the Examination of Grievances and Consideration of Propositions—it having been before resolved that “the first nomination of the members for a committee be (as heretofore hath bin) first by the speaker, to be allowed or disallowed as they [the House] please.” The next day a debate arose as to the necessity for having members of the Council added to this committee. The argument advanced by the gentlemen opposed to the addition is not given, except in so far as it is referred to and combatted in the speech of *William Fitzhugh*, the champion of the opposite view, which is given in full.⁴¹ It appears to have been an argument from analogy. The General Assembly in *Virginia* corresponded to Parliament in *England*, and it was an unheard of thing for members of the House of Lords to be added to committees of the House of Commons. *Fitzhugh* pointed out in reply that the two bodies were alike only so far as their legislative functions were concerned, and that the Assembly in the trial of these causes acted in a judicial capacity. In the methods of carrying out their judicial functions the two bodies were entirely dissimilar, for in *England* the House of Lords was the supreme court of the land, whereas in *Virginia* the General Assembly had that distinction. The General Assembly had always done this judicial work, however, through a committee of the House of Burgesses to which were added members of the Council, who were by virtue of their office judges and so empowered to administer oaths; for it was only in this way that the judicial character could be conveyed to a committee which otherwise would be unable to administer an

³⁹ For a good account of these riots see Wertenbaker's “*Virginia under the Stuarts*,” 232 ff. This book is the latest and probably the most authentic of the histories of *Virginia* for the period covered by the Journals in this volume up to the accession of William and Mary. Osgood's “*American Colonies in the 17th Century*” is also admirable, but, covering a wider field, is, though published in three stout volumes, not so detailed in its treatment of *Virginia* matters as is the book first mentioned, and not quite so accurate.

⁴⁰ See p. 159.

⁴¹ See p. 162.

⁴² See p. 167. Why *Fitzhugh*'s speeches appear in full—another of his speeches made the same day on another question is also given at length—is not absolutely clear, the speeches made in the House being seldom reported in the Journals. Both the subjects dealt with by *Fitzhugh*, however—the other subject was the status of laws which had been passed in *Virginia* but which had not received the formal assent of the king—were of the very highest importance, and it was, no doubt, thought by the clerk of the House advisable to have in the report of the proceedings an unusually full record of the prevailing opinion of the House.

oath. The House of Burgeſſes was incapable in itſelf of adminiſtering an oath, and ſo was any committee appointed by it. The debate was an intereſting one, and the arguments advanced by *Fitchugh* ſeem to have been conſidered convincing, for in the next ſeſſion we find the Houſe asking that members of the Council be added, as formerly, not only to the Committee for Private Cauſes, but alſo to the other committees. So far as private cauſes were concerned, however, the edict had already gone forth from higher authority that no more appeals ſhould be allowed to the General Aſſembly. The Houſe had not yet been informed of it.

On page 164 appears the order of the king for diſbanding the ſoldiers. This order was dated the 30th of *November* 1681, and the date ſet for the diſbandment, unleſs after that their pay ſhould come from the *Virginia* Aſſembly, was *December* 25, 1681. On page 168, it appears that the date for diſbandment was *April* 1, 1682. An examination of the original records ſhows that the latter date is correct, for the veſſel carrying the firſt order was ſo long wind-bound that a ſupplementary order extending the time was iſſued. This was ſent by the veſſel carrying the original order, which brought alſo the order of *January* 21, 1681/2, in reference to the meeting of the Aſſembly,⁴ as before ſtated. The queſtion ariſes, Why was not the ſupplementary order communicated to the Houſe with the firſt order? Data on which to give an aſſured answer are wanting. The failure may have been due to careleſſneſs, or it may have been due to ſomething worſe. In any event, the incident is an illuſtration of ſituations frequent in the hiſtory of the General Aſſembly of *Virginia*, in which the information furniſhed the Houſe by the governors was not ſo complete as it ſhould have been.

⁴ This order is given on p. 169.

Assembly of November-December 1682.

FOR the only session in which the Assembly of *November-December* 1682 met the Journal of the House of Burgesses has not been preserved. A very important document of the whole Assembly for that session has, however, fortunately, been handed down, and is printed in this volume on pages 170-183. It compensates in a measure for the loss of the Journal of the House. The Journal of the Council has also been preserved, and it will, it is hoped, be printed in its proper order in the contemplated set of Journals of the Council. This Journal of the Council is very full in its entries, and from it it has been possible to give the short account of the proceedings of the House which appears below.

The document mentioned consists of a list of the claims allowed by the Assembly and ordered to be paid, of a statement of the amounts of tobacco to be collected in the various counties according to the number of tithables in each, and of a statement for each county of the persons to whom, with amounts, the tobacco collected in that county should be paid. Since it shows in a few pages the kinds of services that were paid for by the central government of *Virginia* at that time, as opposed to the local governments, the relative cost of these services, the relative importance of the counties, and the ingenuity exercised in paying a clumsy circulating medium to the public creditors in the counties most convenient to them—to mention a few of the more noticeable points about the document—it deserves the closest study. A monograph might well be devoted to an analysis of its contents, with an elucidation from outside sources of some of its items. With the exception of the “Orders of public charge made and allowed” at the meeting of the General Assembly held at *Green Spring* in 1677 (the first session held after *Bacon’s* Rebellion), printed in this volume on pages 81-85, and similar orders for the 1684 session, printed in this volume on pages 253-258, the present document is the only one of the kind that has come down to us, and it is of much greater interest than the other two for the reason that whereas each one of those contains only a list of the public creditors, with amounts due, this list gives, in addition, the apportionment of the levy to the different counties and a statement showing where each creditor should be paid.

The session began the 10th of *November* and continued through the 22nd of *December*. For the greater part of the session Lord *Culpeper* was absent, not having yet arrived from *England*, and Deputy Governor *Chicheley* acted in his place. Much of the time of the session was consumed in disputes between the House of Burgesses on the one side and the deputy governor and Council on the other over the titles to be assumed by the clerks of the two chambers and over the question whether assistants from the Council should be added to the committees of the House.

On the receipt by the House of the very first communication of the session from the deputy governor and Council, which was attested by “*Henry Chilton*, Clerk of the General Assembly,” the House protested against the title assumed by the clerk “as unusual, introduced without any former usage or custom in the House.” The title had in fact, however, been used at the preceding session. The Council made no reply to this protest, and later it was withdrawn by the House in the course of the more violent dispute that very soon arose over the title to be given the clerk of the House. From this time on the clerk of the Council, when that body was acting as a chamber of the General Assembly, was styled the “clerk of the General Assembly.” That the House yielded with so little protest at this time seems to show that they were still ignorant as to the wording of Lord *Culpeper’s* commission—according to which the House, not the Council, was to be called “the General Assembly.”

The dispute in reference to the title of the clerk of the House was an exactly similar one, but involved, too, the question of the official title of the House itself. Before this time the clerk of the House had for some years been called “clerk of the Assembly,”

but now the deputy governor and Council proposed that the title be changed to that of "clerk of the House of Burgeffes," this being consonant with the practice in *England*, where, as they pointed out, the clerk of the House of Commons was known merely by that title, and not as clerk of Parliament. The House, however, insisted on the old form as one of "their ancient rights and privileges," being afraid evidently that something more than a mere form of words might be involved, and refused to proceed with the work of the session unless the oath formerly used should be administered to the clerk. The administration of the oath to the clerk, as of the necessary oaths to the members of the House of Burgeffes, was a ceremony that had to be performed by a committee of the Council appointed by the governor. It appeared, thus, for a while that the Assembly would be adjourned with no work accomplished. Finally, however, it was agreed that the "ancient" oath should be administered, and that the question of the proper form of oath for the future should be referred to the next Assembly. The following oath, accordingly, was taken by the clerk on the 21st of *November*, the eleventh day after the opening of the session: "You shall swear, as clerk of ye Assembly of *Virginia*, to which office you are elected, justly and uprightly to make true entries and journals of all votes and proceedings of y^e sd Assembly, as from time to time you shall receive orders and directions from them. You shall keep secret all proceedings of y^e sd Assembly, so far as shall by y^e sd Assembly be found necessary, and shall, in all things, to your best skill and judgment, discharge and execute y^e said office and trust of Clerk of y^e Assembly."

The third dispute was even more bitter than the second. The House had been deeply impressed by the argument made in the *April* session as to the necessity that members of the Council be added to the Committee of Private Causes in order to give judicial character to that committee. They wished above all else to keep in the General Assembly the power to judge causes appealed from the General Court. Though they did not yet know that by royal order that power had already been taken away, they knew that it had been, and was then, strongly objected to by some. In order to retain this power for the present session at least, and if possible for the future, they thought it wise to insist that the mode of procedure for the present session be that which had existed in all sessions of the General Assembly before 1680. They confessed that in that session a mistake had been made by the House in not asking that members of the Council be assigned by the governor to assist the committees of the House, but claimed that the failure had arisen out of the fact that no Committee for Private Causes had, at the direction of the governor, been named, and that it had not been thought absolutely necessary that the assistants be assigned for the other committees. The deputy governor and Council, on the other hand, took the ground that the method of procedure had been adopted in 1680 by the House of their own volition as being similar to the procedure of the *English* Parliament. Moreover, of this method Lord *Culpeper* had given

"The House did not have at the present session—a fact that they much deplored—a copy of the Journal of the House for the 1680 session. In the various removals to which the papers of the House had been since that time subjected, the original Journal had been lost, and there was no copy in Virginia, though several copies had been sent to England. Robert Beverley, the former clerk of the House, had been for some years before 1682 in the habit of taking the papers of the House with him to his home, there being since 1676 no public building in Jamestown in which to deposit them. In May, 1682, Beverley was arrested by order of the General Court on the charge of being the instigator of the tobacco riots of that year, and the papers of the House taken in charge by the Council. That he had a good number of them at his home at this time is shown by the size of the payment made for their removal. (See p. 174 of this volume.) They were given by the Council into the keeping of Mr. Secretary Nicholas Spencer. One of the first things done by the House at the present session was to ask the Council that these papers be delivered to representatives of the House, and this was done. Later in the session Mr. Beverley, though still under arrest, came to Jamestown, being allowed to remain there by the deputy governor and Council—acting, of course, in their judicial capacity—for several days, at the special request of the House. We may be sure that he made among the papers special search for the Journal, and, not finding it, gave the members of the House the benefit of his recollections as to what took place in the 1680 Assembly. Had the Journal been found, the members of the House would have seen that their explanation of the failure in 1680 to ask for the appointment of Council assistants to House committees was incorrect, for the resolution not to ask that these assistants be appointed was adopted, according to the record, before the House knew positively that no private causes were to be considered at that session. (See p. 122.)

an account in *England*. It would not, accordingly, be proper to change the form—at least not till Lord *Culpeper's* return, which was daily expected. The question, then, ought to be referred to the next Assembly. In this stand the deputy governor and Council remained firm.⁴⁵ They, however, promised that if by the next meeting of the General Assembly the king had not declared by positive order that appeals should not be allowed to the General Assembly, they would in that meeting permit the addition of the Council assistants to the Committee of the House for Private Causes—and presumably to the other committees—when proceedings could be held as formerly. This agreement, then, was arrived at, that the House should proceed to the transaction of business without the aid of the Council assistants and refer all appeal cases to the next session of Assembly.

The third dispute ended on the 6th of *December*, and from that time on business proceeded satisfactorily, with probably less than the usual amount of friction between the two houses. Thirteen laws were passed, all of which are to be found in *Hening*.⁴⁶ The Assembly was just on the point of being brought to a close when, on the 17th of *December*, Lord *Culpeper* arrived in *Jamestown*. Since he insisted on going over the bills that had been passed by both houses and the claims allowed and in making alterations—not all of which were agreed to, however—the session had to be prolonged till the 22nd, when the Assembly was dissolved. In the speech of dissolution Lord *Culpeper* expressed his surprise that the Assembly had not passed a law fixing heavy penalties for plant-cutting, and suggested that the members of the Assembly when they returned to their respective homes make some amends for this by expressing to their constituents their extreme detestation of what had been done in the plant-cutting riots.

At least one law was prepared and passed after *Culpeper's* arrival. This was the "Act for the publique leavie."⁴⁷ Before this session the public levy had always been imposed by means of an order, not by act. At the present session, before the arrival of Lord *Culpeper*, a great many of these orders had, as usual, been passed, including the order for the public levy; but when they were handed the governor on the 19th for his inspection, he refused to ratify them. True, however, to his characteristic unfrankness, he did not explain that, in accordance with his commission, orders of this kind were not to be allowed for the future, but excused himself on the ground that they contained so much new matter that he did not have time to give them consideration, as the Assembly, which had already sat too long, should be brought to a close without further delay. Hence the matters contained in the orders had to be referred to the next Assembly—all of them except the declaration of the rate of the public levy. This rate had, of course, been determined on when the amount of the public claims had been fixed. It was merely a matter of dividing the total of the claims by the number of tithables in the country. The apportionment of the levy to each county according to its number of tithables had also been made, and the paper drawn up giving in one statement the apportionment for all the counties, with directions as to the counties in which specific claims should be paid—an intricate paper. There was one item in the levy that Lord *Culpeper* objected to, namely, 6,000 lbs. as a payment to *Robert Beverley* for his services as clerk of the House in the *April* 1682 session. This amount had been fixed by the

⁴⁵ It is very likely that the deputy governor and Council insisted on their view more strenuously than they would otherwise have done because they were afraid that if the Committee of Private Causes were constituted, the case of *Robert Beverley*, which they had referred to England, would be brought up before it in some way,—a thing which they feared, since *Beverley* was probably the most popular man in the Colony and had been treated with harshness by the General Court. A very embarrassing, if not a dangerous, situation would ensue were this case to be brought up. The deputy governor and Council were extremely desirous of having the public claims, which had accumulated, paid by the levy, and the question of the continuance or discontinuance of the expensive garrisons at the heads of the rivers as a defence against the Indians settled. The House counted on this in making their demand in reference to the committees.

⁴⁶ *Hening*, II, 490-503.

⁴⁷ *Hening*, II, 507, 508.

House at 20,000 lbs. but cut down to 6,000 by the deputy governor and Council before Lord *Culpeper's* arrival. Lord *Culpeper* now directed that it be stricken out altogether. However, as this would have necessitated the redrawing of the statement of the levy and the fixing of a new rate, the statement was allowed to stand, with Lord *Culpeper's* rejection of the *Beverley* item noted; and the levy act was signed naming the rate fixed upon according to that statement.*

* The hurry and confusion of the closing days of this session are apparent in the Journal of the Council. Not all the entries necessary to a clear understanding of the actual course of events are to be found. Indeed, there is no entry whatever as to the levy act. That this was passed, however, is certain from the fact that it is given in Hening; and the rate there named is the old rate of 89 pounds of tobacco per tithable agreed upon before Lord *Culpeper's* return. Moreover, the statement of the public claims printed in this volume contains the item of 6,000 lbs. allowed *Beverley*. (See p. 175.) The governor's veto of this item is not there noted, though so vigorously expressed several times in the Journal.

The Assembly of 1684.

THE Assembly of 1684 met in only one session, which began *April 16, 1684*, and continued through *May* the 24th, when the Assembly was dissolved. The home government had become weary of the indisposition on the part of Lord *Culpeper* to carry out instructions and especially of his insistence on spending the greater part of his time in *England*—to which he had returned not very long after the dissolution of the Assembly of 1682, leaving in charge as president of the Council, Deputy Governor *Chicheley* having in the meanwhile died, Secretary *Nicholas Spencer*, instead of Auditor *Nathaniel Bacon*, who in accordance with the rule of seniority of service made by the home government should have been named. Accordingly, Lord *Culpeper* had been removed from office, and Lord *Howard of Effingham* appointed in his stead, who assumed charge of his government on the 15th of *April, 1684*, the day before the meeting of this Assembly. The House of Burgesses found in him a much abler and firmer man than Lord *Culpeper*, and one much more disposed in every way to carry out the orders given him from *England*. These orders as embraced in his commission and instructions were for the time being about the same as those issued to Lord *Culpeper* in that governor's second commission and accompanying set of instructions.

Of my Lord *Howard's* disposition to dominate the House an illustration is seen in the proceedings of the very first day of the session. *Effingham* was unwell on that day, and in the morning sent word to the House that he desired them to adjourn. In the afternoon, however, he had them called together again, and when some of the members attended him to know his pleasure, they were informed that he wished the House to proceed with the election of their speaker. Later in the session he, from time to time, reminded the House of the slow progress being made, and of the desirability of bringing the session to a speedy close, on account of the expense involved in a continuance. The House, however, though sharing with Lord *Howard* the wish to keep expenses down, recognizing that this was not the only motive animating their governor and the home government represented by him, but that it was only part of a policy to reduce as far as possible the rôle to be played by the General Assembly in *Virginia* governmental affairs, stubbornly insisted, as had been the case before and was to be the case in the future, on taking their own time in inquiring into all matters affecting the good of the Colony, and in proposing remedies for unsatisfactory conditions. The session lasted only a little over a month, and when the work of the session is examined, as disclosed in the Journal, few will say that there was much time wasted. Not many bills were passed, it is true, but, more important than this, several principles of vital significance were insisted on, if not established. Precedents were set or maintained. The prestige of the House was well upheld.

The Journal of the House for this session is an important one, giving a fairly good account of the things that happened. The reader of to-day cannot but be impressed with the amount of good work done under the limitations set by the customs and conditions of the times. To illustrate, the very governor who wished to push things through under lash and spur, is seen from the Journal to have been himself, when it came to a question of the dignity of his office, so custom-ridden that he was willing to allow valuable time to go by before he would send to the House a copy of the speech made by him at the opening of the session, which, containing as it did the program mapped out by him for the House to follow and from which he did not wish them to deviate, must have been carefully prepared before delivery. It seemed to suit his ideas of dignity, however, to require the House, after they had been called into his presence to hear it, to send for a copy. In course of time it became the sensible custom for the governor to hand a copy of his speech to the speaker of the House immediately after he had read it to the whole Assembly. This saved time, even if it did put the governor in the position

upon to do so by the House. Though he had ceased to be sheriff by the time the General Assembly convened, the House resolved that because he held that office at the time of his election he was incompetent to serve—a very righteous decision—and ordered that the governor be asked to issue out a writ for the election of a burgess in his stead. Furthermore, they directed the sheriff of *James City* County to give notice to *Custis* that he was commanded not to leave *Jamestown* until further orders were received by him from the House. He was later fined 2,000 lbs. of tobacco for failing to make a proper return, that is, for not signing his name to the return. Since, however, in the second election he was again returned, his petition that the fine be remitted was later in the session granted. In order that a new election might be held without delay in *Northampton* County, the House gave it as their unanimous opinion that in cases of emergency it was not necessary for the sheriffs to follow exactly the rule laid down in the law in reference to the notice of elections to be given the voters, the law requiring the writs to be read in the churches on two successive *Sundays* by the ministers or readers⁴⁹ but that the sheriffs might simply require the several constables of their respective counties to inform the voters of the election and require their attendance.⁵⁰ In this case the sheriff of *Northampton* received his instructions from the House on the afternoon of *April* 18, and the writ of election was returned on the afternoon of the 29th.

The insistence of the House on the rule that the proceedings of the House be kept secret is seen in the case of *John West* and *Joseph Foster*, members for *New Kent* County. Petitions had been handed in to the Council and by them referred to the House from *Joseph Lydall* and *Joseph Foster*—the House member—in behalf of themselves and others, asking that they be rewarded for services rendered the past winter against the Indians. These petitions had been promptly rejected by the House on the ground that the petitioners had done no more than what ought to be expected of them as members of the militia. *West* and *Foster* had then, without the consent or knowledge of the House, informed the governor of the action of the House on them, *Foster*, in addition, taking away and not returning the petition handed in by himself. Thereupon the governor sent a message to the House setting forth the conditions in which the services had been rendered—in the depths of winter and at the command of the president of the Council—and asking that the action of the House be reconsidered. On the receipt of the message the House ordered *West* and *Foster* to withdraw, and after full debate resolved that the two offenders should be required to acknowledge their fault, beg pardon for the same, and be sharply reprimanded by the speaker. At the same time an address was sent the governor, explaining to him that the matter of the petitions had not come regularly to his notice, and praying that for the future he would not ground any action on information similarly conveyed. The governor acknowledged at once that he had made a mistake and promised not to be so hasty in the future.

West and *Foster*, however, were not so easily persuaded of their error. Several messages failing to bring them into the chamber in which the House were sitting, it was necessary for the House to have them brought in by the sheriff of *James City* County, and even then they contumaciously refused to make the apology required. Whereupon they were suspended from the House, and the sheriff ordered to commit them to their chamber and there strictly confine them till he received further orders from the House. The next afternoon a motion was made for the two gentlemen that they might have copies of the resolution of the House concerning their confinement, but it was resolved that they ought themselves to petition the House. The same afternoon, the information having been given by *William Kendall*, the chairman of the Committee of Claims, that several claims from *New Kent* County were then under the consideration of that committee and that they could not be very well proceeded with in the absence of the two members, it was resolved by the House that the committee be empowered to send for them in order that they might give necessary information. The next day *Kendall* reported that he had sent a note to the members, in accordance with the order, but

⁴⁹ Hening, II, 82.

⁵⁰ See p. 193.

had received from them the reply that, having been suspended by the whole House, they did not think themselves capable of complying with the request of the committee until restoration by the House. The House ordered that the note of the chairman of the Committee of Claims and of the gentlemen in reply be spread on the minutes of the House, and that the committee proceed the next day to finish their report on the claims. The latter part of this order seems to have had the desired effect, for the first business which the House were called on to transact the following morning was the consideration of a communication from *West* and *Foster* in which they acknowledged their fault and humbly begged pardon. Brought before the House, they acknowledged the petition to be theirs and further submitted themselves to the judgment of the House. They were thereupon readmitted to their places, but ordered to pay fees. As for the claims of *Lyddall*, *Foster*, and their fellow militiamen, these were finally, on the insistence of the governor and Council, allowed.

The strictness of the House in carrying out the rule that members should not absent themselves from the meetings of the House except by special permission, is seen in the case of several members absent on the last day of the session. A resolution in which the names of the members—five in all—and their counties are given, was adopted, requiring the sheriffs of the counties from which the members came to collect from each offender the sum of one thousand pounds of tobacco and to return an account of their proceedings to the House at the next meeting of the Assembly. The clerk of the House was at the same time ordered to call the attention of the House to this resolution at the next meeting of the General Assembly, so that inquiry might be made as to the execution of it. Unfortunately, the Journal of the House for the next session has been lost, so that the history of the case may not be further traced. In speculating as to this history it should be remembered, however, that the resolution was adopted at a time when the members of the House were in a state of high tension over the conflicts that had developed between them and the governor in reference to several questions of importance arising at the present meeting of the Assembly. It is by no means certain that their attitude at the beginning of the next session was so violent. It may be that an apology was all that was necessary to bring a remission of the fines imposed.

The governor's speech is printed in this volume on p. 251. After a complimentary introduction, a paragraph containing the crafty intimation that the king was meditating great things for his loyal subjects in *Virginia*, one setting forth the concern of his majesty that in the oldest of his colonies no towns had been built and his desire that the deficiency might be supplied, and a further paragraph announcing that his majesty, despite the many solicitations made to him and advantageous offers from persons wishing to monopolize the Indian trade, had ordered that it be free and open to all, the speech went on to name the things the governor thought the loyal subjects of the king ought speedily at this session of the General Assembly to attend to, in return for so much grace and goodness vouchsafed unto them. These were: (1) The passage of a law authorizing the governor, with the advice of the Council, to raise a levy, as there might be occasion, of not exceeding twenty pounds of tobacco per poll, for defraying the contingent expenses of the government, the revenue produced by the act of 1680 not having so far proved sufficient. The Assembly were, however, to have the power to inspect the account of any such levy and of the disbursement of it at the meeting immediately succeeding its laying. (2) The passage of a law declaring the detestation of the General Assembly of the plant-cuttings of *May*, 1682, and fixing such penalties on this particular form of law breaking that a repetition would be rendered unlikely. (3) A law for the defence of the country against the Indians. (4) A cognate law to this for rendering the militia more effective. To these four things asked for should be added the matter of the towns already mentioned, but improperly placed, in the speech. Thus there were five laws in all that the governor wished passed. He intimated in the last sentence of his speech that there could hardly be any grievances that demanded attention. He said nothing about the public claims, but provision for the payment of these was, of course, taken for granted. This, then, was the legislative program of the governor at the beginning of the session.

To this program he added later in the session under peculiar circumstances, his hand having been forced, as it were, by the House. The program as originally mapped out by Lord *Howard* consisted merely of such things dealt with in his instructions as he thought best to have acted on at that time. The House, however, insisted on going about the work of legislation in their own way, and as an aid to them in their work they appointed a committee to secure from the secretary's office a copy of Lord *Howard*'s commission, to search that office for other papers that might be of use, and to draw up an address to Lord *Howard* asking him for a copy of all his instructions that might relate to the House. Secretary *Spencer* was the agent at this time of Lord *Culpeper* in *Virginia* and had just presented to the Committee of Claims a claim of Lord *Culpeper*'s for 98,000 lbs. of tobacco as repayment of an advance that Lord *Culpeper* had made out of the quit-rents to mutinous soldiers for whose pay the Colony was responsible. Before ordering that this claim be allowed, the House wished to know beyond a doubt that Lord *Culpeper* had a right to these quit-rents, which they maintained had been promised by the king, through his commissioners sent over at the time of *Bacon's* Rebellion, to the Colony as a fund from which to defray the expenses of government. After vexatious delay the papers required were secured from the secretary's office, with the exception of Lord *Howard*'s commission, which was still in his lordship's keeping, by whom, however, it was sent to the House for inspection and copying. As for his instructions, he sent a copy of such as he said related to the House. Among these was one that *Jamestown* should be speedily rebuilt and another that a suitable house should be constructed for the governor of the Colony. Seizing upon these as furnishing an opportunity for the initiative of the House in proposing legislation that could hardly be refused and for the assertion by the House of a right to direct the expenditure of the revenue arising under the act of 1680, a right that the House had had in reference to the revenue arising from the operation of the laws the place of which the act of 1680 had taken, but a right which under the present law was not so clear—which was, in fact, not destined to be successfully maintained—the House sent to the governor an address proposing that the state house should at once be rebuilt and paid for out of the 2 shillings per hoghead tax and the port duties—that is, out of "the revenue" as this fund soon came to be called, as distinguished from the levy, or poll tax—and another address containing a similar proposal as to the house for the governor. To the proposal in reference to the governor's house, the governor replied that he wished to defer consideration of that matter till he had been long enough in the country to decide upon the best location for the house. As to the state house, he replied that both he and the Council agreed with the House in thinking its rebuilding most necessary, and would concur that payment should be made from "the revenue" if there were any money in hand, but that this tax had fallen short, so that some other source of payment must be found. He, therefore, called attention to another of his majesty's instructions, which recommended the laying of a tax on liquors imported. This would be the best means of raising the amount needed.⁵¹ Accordingly, the "Act for lessening the levies by poll and laying an imposition upon liquors"⁵² was passed, after being considerably debated both in the House and the Council. Seeing that the House were thus in a sense stealing his fire, the governor determined to call their attention to still another of his instructions, namely, the one directing that a new law be passed by the General Assembly empowering counties and parishes to make by-laws.⁵³ This was on the 15th of *May*, however, a full month after the opening of the session, so that the House had good excuse, which they immediately availed themselves of, to refer the matter to the next meeting of the Assembly.

As for the governor's original program, it went through in part only. The House spent a good deal of time in the consideration of a bill entitled "An act repealing a former act for cohabitation and directing a way more practicable for that purpose and

⁵¹ See p. 209.

⁵² *Hening*, III, 23, 24.

⁵³ See p. 228.

for building of townes," but this bill was finally rejected. Its place was taken by a bill with the title "An act appointing portes for preventing frauds and better securing his majesties customes," which, when it reached the governor and Council, was found to differ from the act for cohabitation passed in 1680 only in the title and as to the number of towns to be erected. It was, accordingly, rejected by the governor and Council, and the House were notified of this action in a message with which was sent a copy of the order of the king in Council suspending the former act.⁵⁴ An act in reference to plant-cutting was duly passed, having the title, "An act for the better preservation of the peace of *Virginia*, and preventing unlawfull and treasonable affociations,"⁵⁵ which made plant-cutting or destruction of tobacco at any time or of tobacco barns by companies of persons to the number of eight or more, who had been ordered to disperse by proper judicial authority, punishable with death. After much debate in the House and the Council and considerable dispute between the two chambers as to the wording of certain clauses, a law was passed on the subject of defense having the title "An act for the better defence of the country,"⁵⁶ the main provisions of which were that a standing force of four troops of horsemen, each troop containing thirty men, should be raised to guard the frontiers, and that the militia might be called to the aid of these in an emergency, whose members were to be paid for their services whenever they continued in service for more than six days. No general militia law was passed, but for the encouragement of the inhabitants of the Colony to provide themselves with arms and ammunition, it was provided in the "Act for the better supply of the country with arms and ammunition"⁵⁷ that all material of this kind owned by individuals should for the future be exempted from seizure under any process of law. It also described the arms with which the members of the militia were required to supply themselves. The main item in the program of the governor, namely, that a law should be passed giving the governor and Council power to levy a poll tax, was not considered at all.

All the laws passed at this session are given in full in *Hening*,⁵⁸ except one. There are only nine of them, and the most important of these have been briefly described in the paragraph above. The act not given in *Hening* was a private act entitled "An act enabling *Richard Littlepage*, senior, to sell lands for the payment of the debts of *Samuel Oustin*, deceased." The land was probably entailed, and for this reason it was necessary to get special permission by act of the legislature to sell it. Many such acts were later passed in Colonial *Virginia*. This act is of more than usual interest from the fact that the bill was first rejected by the House, and then on petition from Mr. *Littlepage* taken up again, when Mr. *Littlepage* and his counsel were admitted into the House and heard on the merits of the question.⁵⁹ This gives an interesting bit of information as to the procedure of the House in such cases at that time.

At the beginning of the session the usual standing committees of the House were named, including the Committee for Private Causes, and a request sent the governor that he assign members of the Council to assist in their work. It was the wish of the House to return to the methods always employed before the session of 1680. The governor however, replied that he was sorry to see that the House were willing to cause delay in this way, taking no notice of the order sent Lord *Culpeper* by his majesty that no more appeals were to be allowed to the General Assembly. Since there were no appeals to be allowed, there was no reason for the naming of a Committee for Private Causes, and, in his opinion, no necessity for the assignment of members of the Council to assist in the work of the other committees. The House stated their contention as to appeals in an address of April 19, showing that by act of the General Assembly, never repealed, the General Assembly had been made the court of final appeal in *Virginia*, and that in the first trial of such appeal cases by the proper committee of the House it had always

⁵⁴ See pp. 240, 241.

⁵⁵ *Hening*, III, 10-12.

⁵⁶ *Hening*, III, 17-22.

⁵⁷ *Hening*, III, 13, 14.

⁵⁸ *Hening*, III, 9-25.

⁵⁹ See pp. 213, 225.

been the custom for members of the Council to be present as assistants. So far as the order to Lord *Culpeper* was concerned, they were unaware of it, but did know that Lord *Culpeper* on his arrival in *Virginia* toward the close of the immediately preceding session of the General Assembly had concurred in the agreement made before his arrival by the House and the Council that if before the meeting of the present session no direct order had come from *England* that no appeals were to be allowed to the General Assembly such appeals should be tried at this session according to the method previously followed. This being the case, they humbly begged that Lord *Howard* would show them the instruction he had received on this head. A copy of the instruction was duly delivered to the House in a few days, and after that the question of appeals in private causes was no longer one to be argued with the governor but one to form the subject-matter of a petition to the king. The question of Council assistants to the other committees was quietly dropped.

The petition to the king on the subject of appeals was a very able one.⁶⁰ It included a request that for the future no laws made by the General Assembly should be repealed except by the General Assembly, or if by proclamation of the king, then not, at least, till the king had been very fully informed of the reasons for the passage of the laws; and also a request that the quit-rents, which for the past three years had been collected and diverted to other uses, without apparent authority from his majesty, might be expended in the defense of the Colony, in accordance with a promise made by the commissioners sent over by the king in 1676. It was the intention that this petition should also be signed by the governor and Council, but no agreement could be reached as to the matters to be included or as to the wording, the only amendment to the petition as originally drawn that the House would accept being the substitution of three hundred pounds sterling for five hundred pounds as the inferior limit in amounts in causes to be appealed from the General Court in *Virginia* to the Privy Council in *England*, in case it were to be finally decided by the king that the General Assembly was not to be the court of last resort.⁶¹ At last after a great amount of discussion the governor sent a curt message to the House in reference to the petition, which ends with these words: "Therefore unless you can better temper yourselves in preparing an Address, fitt and becoming dutifull Subjects, I must and shall require you to sett this wholly aside."⁶² After this, however, he suggested that a conference should be held on the subject of the address between members of the House and of the Council; but the conference failed to accomplish anything. Then, passing a resolution that it was the privilege of the House to address the king in a loyal manner, representing to him the state of the country, and to convey the paper to his majesty in any lawful way that might be presented, the House appointed two of their own members, with the clerk of the House, a committee to send the address to *England*. Another address to his majesty, one of congratulation, had been drawn up by the House at this session, in which the Council signified their willingness to join. But the House now voted that this address, too, should go in the name of the House only.

Another cause of strife between the governor and the House was the question of quit-rents and escheats. The quit-rents were, indeed, made one of the topics treated of in the great address to the king. The quit-rents and escheats had become of pressing

⁶⁰ See pp. 228-230.

⁶¹ Since the cases most likely to be appealed were suits of English merchants against Virginia planters, it was the effort of the House of Burgesses to keep the decision of these cases in Virginia, and if this could not be done altogether, to make the amount involved in a suit rendering it appealable as large as possible. In this, of course, the Council sympathized, as most of them did, probably, in the other requests made in the petition, but the Council were—with one or two exceptions, notably Colonel Philip Ludwell—dominated by the governor. Hence when in this Journal a message is met with purporting to come from the governor and Council, it should be taken as expressing rather the real view of the governor than that of the Council. However, in this Journal, most of the communications to the House are signed by the governor alone, the Council being occasionally referred to as approving the views expressed. One would almost think from reading the Journal that the General Assembly consisted of two branches instead of three—of the House of Burgesses and of the governor, the latter, however, sometimes consulting his Council and sometimes not.

⁶² See p. 249.

interest owing to the claim for the 98,000 lbs. of tobacco set up on behalf of Lord *Culpeper*, and to the unusual fees and compositions demanded, as alleged in various statements of grievances coming to the Assembly, in the case of escheated lands. In order to remedy these grievances as to escheats, the House passed a bill setting forth the fees that should be charged in such cases by the escheators and the sheriffs, and the rules to apply in reference to the conveyance and possession of this species of property. It was disallowed by the governor and Council, on the ground that the rules were not in conformity with the terms of the charter granted by the king.⁶³ A second bill was passed dealing only with the fees of escheators and sheriffs in cases of escheat, which, on the ground that the fees were insufficient, was also disallowed. The communications passing between the governor and the House in reference to quit-rents and escheats are very numerous, and several of them unusually full. Specially notable are the communications of the House to the governor, dated *May 20*, on the subject of the quit-rents—which gives a full history of the *Arlington-Culpeper* grant so far as papers available to the House at that time would allow—the communication of the same date on the subject of escheats, and the replies of the governor to these two papers.⁶⁴ The reply to the statement about the quit-rents comes ostensibly from both the governor and the Council. The result of the controversy was that the claim for 98,000 pounds of tobacco was finally allowed and the fees of escheators and sheriffs remained for the time being as fixed by the governor.

Among other causes of contention between the House and the governor may be mentioned a proposed revival of the laws, the demand made by the House that they should be allowed to examine the auditor's accounts, the relative salaries to be paid the clerks of the two houses, and the question whether the salary of the attorney general should be paid out of the poll tax or out of "the revenue." The House suggested that a joint committee of the House and the Council be named to revise the laws and report to a future Assembly. The governor replied that this revision of the code was one of the matters that he had been instructed to have attended to, and that accordingly he would appoint a committee for the purpose. And he could not be persuaded to follow the plan proposed by the House.⁶⁵ In reference to the auditor's accounts of the revenue produced by the law of 1680 the House were more successful. When the history of the passage of that act, including the promise made by Lord *Culpeper*, was presented to him, the governor yielded a grudging assent to the request of the House that the examination be allowed.⁶⁶ The House also gained their point as to the salaries of the respective clerks of the two chambers and the salary of the attorney general, in the "book of claims" the clerk of the House being allowed a larger amount than the clerk of the Council (or, to use the more exact title, the clerk of the General Assembly), and the name of the attorney general not appearing in that list at all.

At this session of the Assembly the very interesting case of Capt. *John Purvis* came up for discussion. The captain appears to have been a shrewd sailor man who saw in the scarcity of copies of the laws of *Virginia* at that time existing a chance for turning an honest penny, and who, accordingly, had had a book printed in *London*, with the title "*A Complete Collection of the Laws of Virginia*," numerous copies of which he had brought to *Virginia* for sale to the planters. The captain was, however, more accomplished, doubtless, as a seaman than as an editor, and his compilation proved to be sadly defective. Moreover, he had obtained no permission from proper authority to make it. Hence the House requested the governor that the book be suppressed, and that the captain be summoned to appear before the General Assembly "to answer for his misdemeanor in presuming to publish without Licence a booke of that title and Contents, to ye Great Scandall and Contempe of ye Governor [govern-

⁶³ See pp. 210, 216.

⁶⁴ See pp. 237-241.

⁶⁵ See pp. 206, 210, 212, 216.

⁶⁶ See pp. 207, 216. This examination was not allowed, however, at future sessions of the Assembly.

ment] of this his Majesty's dominion." The governor replied that he and the Council agreed with the House in their opinion as to the book, that an order had already been framed, which would be shortly sent to each county in the Colony, prohibiting the use of the book in any court of justice, and that he would reprimand Capt. *Purvis* "for his presumption and forwardness."⁶⁷

⁶⁷ See pp. 202, 203. Governor Nicholson in a message to the House of Burgesses dated September 27, 1701, refers to "the 136th act of Assembly in the printed book." See p. 320 of the "Journals of the House of Burgesses of Virginia, 1695-1696, 1696-1697, 1698, 1699, 1700-1702," the volume in the present set of Journals immediately preceding this volume. On p. xlv of the Preface to that volume the statement is made in a note that the governor referred to a collection of laws known as "Purvis's Collection." This statement is evidently an error, for Purvis's collection could hardly have in sixteen or seventeen years so established itself in general favor as to be familiarly known as "the printed book," when on publication it was so severely condemned. "The printed book" referred to by Nicholson was, rather, the collection printed in England in 1662 by order of the General Assembly of 1661/62. References to this "printed book" are not infrequent in the present Journal, and there are many of them in the laws in Henning. The act referred to by Governor Nicholson is act 136 as given in Purvis, but Purvis undoubtedly copied it, as he did all the revised laws of 1661/2, from the early "printed book." It was only after the "printed book" failed him and he had to rely on copies of the original manuscript laws in Virginia that Captain Purvis fell into so many errors.

The Assembly of 1685-86.

First Session.

THE Assembly of 1685-1686 held two sessions, one in *November* and *December*, 1685, and the other lasting from *October* 20 through *November* 17, 1686.

The date originally set for the meeting of the Assembly in their first session was the first of *October*, but the governor found it necessary on that day, on account of illness, to postpone the meeting to the second of *November*. The session lasted from the second of *November* through *December* the thirteenth. The Journal of the House for this session has not been preserved, but a pretty clear notion of what occurred may be obtained from the letter written by Lord *Howard* to the Lords of Trade and Plantations giving an account of it, printed in full in the Appendix to this volume, and from the Journal of the Council for the session. A transcript of this Journal is in the *Virginia* State Library. Since Lord *Howard's* letter deals fully with the main questions arising and with the dispute that caused the prorogation of the Assembly, it is not thought necessary to give an extended account of the proceedings here. The dispute leading to the prorogation, was, stating the matter in general terms, over the right of the governor when a bill came up finally for his signature to disallow this bill if he had already, when sitting with the Council, assented to it. In this particular case, a bill had been returned to the House assented to by the governor and Council, with an amendment, however, written on a piece of paper and attached to the bill. The piece of paper had either been lost or, as the governor charged, intentionally misplaced by the clerk of the House, the redoubtable Major *Robert Beverley*, who, having had his political disabilities removed some time before the meeting of this Assembly, had appeared as a member for *Middlesex*, and had been promptly elected to his old position of clerk. The House maintained that if the governor could do this he would be exercising the veto power twice, once in the Council and again as governor. Their argument, however, seems to have been a confused one, for in this case he had not, when sitting with the Council, exercised the veto power, but had assented to the bill. If the bill had been rejected by the governor and Council, it would not have come up to the governor at all for his final signature. Manifestly, if the governor had the veto power, and this power was clearly given in his commission, he had the right to rectify by the exercise of this power any mistake which, in his judgment, had been made. What the House were really fighting, however, was not so much the veto power as the governor's excessive influence in legislation. He sat in the Council when bills were being considered, so that the actions of the Council were in reality his actions, and such bills as were passed by both chambers came up to him for his final signature. This ceremony the House wished to make as purely formal as was the signing of the bills by the speaker of the House on the last day. This wish was not gratified, but the controversy of the "double negative voice" produced the undoubtedly good result of causing the governor in the future to allow the members of the Council to sit by themselves when discussing legislative matters. This made for greater independence on the part of the Council.

The speaker of the House at this session was *William Kendall*. As showing the attitude of the House, as ever, in reference to matters of taxation, the following resolution in response to the governor's request that a bill be passed allowing the governor and Council power to impose a tax of twenty pounds of tobacco per poll in cases of emergency is quoted: "And whereas it is proposed by your Excellency that a Law may passe whereby his Majesties Governor with the advice of the Council may be empowered to lay a levey not exceeding twenty or twenty five per pole, This House duely and seriously considering how far it may tend to the disadvantage of this Country and how unacceptable as well as inconvenient it will be to the Inhabitants of this his Majesties Dominion in General, whom this House represent, doe humbly signifye to your

Excellencie that they can no waies concede to or comply with that proposition, without apparent and signal violation of the great trust with them reposed."⁶⁸ This was the same request that was made at the former session, and it was made according to instructions from *England*. But the Burgeesses would have none of it. They clearly perceived that if this power were granted, the meetings of the Assembly for the future would be few; and they knew that a legislative assembly made up of fairly elected representatives of the people and meeting not infrequently was the surest defence against executive oppression.

Second Session.

THE second session began the 20th of *October* 1686 and ended the 17th of *November*. The speaker of the House at the former session, *William Kendall*, was absent from the second session, and *Arthur Allen* was elected to take his place. *Allen* had, as reported by Lord *Howard* to the Lords of Trade, been very active in the dispute between the governor and the House as to the veto power of the former, and had "opposed the king's authority in naming sheriffs by his governor, alleging that office ought to go by succession," and had been deposed by the governor from his office as a surveyor of land. He was, accordingly, very popular in the House. *Robert Beverley* acted again as clerk. This was the last time, however, that he was to appear in this capacity, or that any clerk elected by the House was to hold position; for the account sent to *England* by Lord *Howard* of the proceedings of the House at the preceding session had its effect in an order for the removal of *Beverley* from all positions of trust under the government, and one for the appointment in the future of the clerk of the House by the governor. The letter containing these orders, with the further order that, in accordance with the suggestion made by Lord *Howard*, the Assembly should be dissolved by special command of the king as a testimony of the king's high displeasure, was even now on its way to *Virginia*. It was for the special purpose that they might receive this mark of demerit that the governor had not himself dissolved the Assembly at the close of the last session, or "meeting" as he was very careful to call it, holding, apparently, that in order for a meeting of an Assembly to become a session, some result in the shape of a law must issue. The vessel bringing the wished-for letter reached *Virginia* when this session was in progress, and it was accordingly at the close of the session that the orders were made public and the Assembly dissolved. The governor took special care that the king's letter should have the widest publicity throughout the Colony by having a copy of it sent to each county court with the command that it be read to the people at a meeting of the court.⁶⁹

The questions considered at this session of the Assembly were very largely those dealt with at the preceding session and not finally disposed of. The bills which had passed both chambers at the preceding session, only to fail of the governor's signature because of the dispute over the veto power and the consequent prorogation of the General Assembly, had all to be passed again in the routine way. When the preceding session came to a close, ten bills, including the one about ports over which the irreconcilable dispute arose, awaited the governor's signature.⁷⁰ Of these, seven were passed again at this session and, receiving the governor's signature, finally became laws.⁷¹ The three bills of the 1685 session failing at the present session were an "Act declaring how publique claims shall bee brought to the Assembly for allowance there," an "Act appointing Ports, Wharfs, Keys and Places for Landing and shipping all Goods and Merchandises for preventing frauds in his Majestys Customs and Revenue in this his Dominion of *Virginia*," this latter being the offending port bill, and "An act for the better defence of the country and defraying the charge." The two first mentioned were taken up by

⁶⁸ McDonald, VII, 354, 355.

⁶⁹ Henning, III, 40.

⁷⁰ McDonald, VII, 216.

⁷¹ All of these, with four additional acts passed at this session, are printed in full in Henning, III, 28-39.)

the House this session and passed, but both were rejected by the Council, probably because amendments had been added to the public claims bill and because the port bill appeared in the Council in the unamended form of the year before.

The four additional acts passed were the usual levy act, of which the rate was one hundred and four lbs. of tobacco per poll—a heavy rate because expenses of two assemblies had to be met and the public claims accumulating in more than two years paid; “An act regulating the tare of tobacco hogheads,” the object of which was to prevent fraud in the passing of hogheads at less than their actual weight and the sale in this way of wood at the price of tobacco; “An act for the better improving the breed of horses,” whose object is sufficiently set forth in the title; and “An act continuing the imposition on liquors,” which continued for three years the import duty of 3d. per gallon. The advantage of this tax in securing a fund which might be used in the payment of claims against the country, “country charges” as they were called, had become manifest. At this meeting of the Assembly several large claims were ordered to be paid from this fund, notably the expenses incurred by Lord *Howard* in 1684 on a trip to *New York* undertaken for the purpose of entering into a treaty with the Five Nations of Indians and by commissioners the following year sent to ratify this treaty—as a result of which compact peace was now being enjoyed on the frontiers, making possible the repeal of the expensive act of April 1684 for the defense of the country. The act as originally passed at the April 1684 session of the Assembly had the title “An act for lessening the levies by poll and laying an imposition on liquors.” The object of the act, as set forth in the preamble, was to decrease the poll tax and to raise money “for building a Courthouse and place of judicature for the sitting of the general court and meeting of the general assembly, and to and for such other uses, intents, and purposes as shall hereafter be appointed by the governor, council, and burgesses of the general assembly, and to no other use, intent or purpose whatsoever.” The money was thus under the control of the General Assembly, and the House insisted at this session on a thorough examination of the account kept of it by Mr Auditor *Bacon* and gave the auditor directions for the future.” The House also asked the governor that he direct the auditor to give an account to them of the 2 shillings per hoghead export duty and the port duties from the date of the last account. This request, however, was not acceded to.

The building called for by the original act had been constructed, and the members of the General Assembly were now enjoying the use of it. The assignment of rooms in this building—it was the old state house burned down by *Bacon*’s men rebuilt—led to one of the liveliest minor contests of the 1685 session. The clerk of the House desired quarters in a room next to the hall of the House of Burgesses which Mr Secretary *Spencer*, who was kept from attendance at that session by an attack of the gout, had been using as the secretary’s office. Finally the governor and Council promised that the clerk (*Robert Beverley*) should have his way provided Mr Secretary *Spencer* did not decline on his return to go into another office that should be fitted up for him. It appears that Secretary *Spencer* did remove himself and his records into the new quarters assigned him, for on p. 282 of this volume there is an entry to the effect that *Philip Ludwell* should be paid out of the tax on liquors £30 sterling “for fitting up Mr Secretaries office according to the agreement made the last meeting of Assembly.””

There were at this session two important changes in procedure to be noted: the House gave all bills three readings, and the Council acted in the consideration of bills as a body independent of the governor, the bills going to the governor only after they had been agreed to by both the House and the Council. The former of these changes was, indeed, probably made at the preceding session of the Assembly, as may be seen from the Journal of the Council for that session, but the loss of the companion Journal of the House makes it impossible to speak with certainty. The altered function of the Council in legislation, or new method of performing this function, has already been referred to

¹² See pp. 269, 276.

¹³ The account given above of the trouble over the assignment of rooms is taken from the Journal of the Council for the 1685 session.

as the result of the dispute over the veto power of the governor. It is worthy of note in reference to this change that the governor did not announce it to the House at the beginning of the session, but left them to find out about it through inquiry later. The inquiry was made by the House after the first batch of bills had been sent to the governor and Council for their approval and had been returned with endorsements indicating that they came from the Council only. A reply was immediately received containing the following most important announcement: "In which that you may receive full satisfaction, his Excellencie doth declare himselfe a distinct body from the Councell. This Method his Excellency hopes may give an easy dispatch to busines, and remove all doubts of mistakes, being as near as possible our Circumstances will admit us to come to that great body of the Kingdom of *England*."⁷⁴ It would, of course, have saved time and uncertainty if the governor had made this announcement at the beginning of the session; nor is it easy to see what good could, in the opinion of the governor, have resulted from the delay. Lord *Howard*'s course was, however, in keeping with his usual practice in reference to instructions from the king, his habit being to issue a proclamation in accordance with one of these instructions, or ask for the passage of a law, without giving the specific instruction on which his proclamation or request was based. Only a formal request from the House could, as a usual thing, draw from him the warrant on which he was proceeding. That the House was never backward in demanding this warrant is proved by numerous cases—at least two of which are reported in the present Journal.⁷⁵ It behooved the House to be watchful, for they were dealing with a governor not above making occasional demands for which he did not have express warrant either in his commission or his instructions, as the case of the fee required by him when instruments were passed under the seal of the Colony shows—a case which will be explained later.

Instances are to be found, however, in which the governor did not wait to be asked for his instructions. On one or two occasions he seems to have communicated his instructions readily and with evident pleasure. One of these was when he read at the close of this session the letter from the king ordering that the Assembly be dissolved, *Beverley* dismissed from office, and the clerk of the House for the future appointed by the governor. This transaction is not recorded in the Journal of the House. One would hardly expect to find a record there, for *Beverley* was the clerk. But the governor wrote an account of it to the Lords of Trade, in which his delight is evident; and he sent the letter of the king to each county court in *Virginia*. Another instance is recorded in the Journal. On the 11th of *November* his excellency summoned the House into his presence and delivered to them a speech, in which, after expressing surprise that the liquor tax bill had not yet been passed and that he had not received from them a communication as to certain suggestions made by him in reference to the militia—these proposals had been voted impracticable by the House owing to the expense involved, but the governor had not been told of the action—he informed the House that he had lately received his majesty's command that the *Virginia* law allowing the payment of quit-rents in tobacco at 2 pence per pound should be repealed. At the same time he produced the letter conveying the instruction. It was left to the Assembly whether the repeal should be by proclamation or by law to be passed at this session. The House, on return to their hall, resolved that a bill should be drawn up for the repeal in accordance with his majesty's instruction, but when, the next day, the bill was reported to the House, it was rejected. Hence it had to be repealed by proclamation.⁷⁶

The principal questions in dispute between the House and the governor at that session of the Assembly were the fee required for attaching an impression of the seal to documents, and the status of a law passed in *Virginia* but afterwards repealed by a *Virginia* law when the repealing law had itself been repealed by proclamation. The first of these questions had been in dispute at the 1685 session, and both were to appear again as principal causes of contention in the next session. A discussion of them, accord-

⁷⁴ See p. 273.

⁷⁵ See pp. 278, 280.

⁷⁶ For a treatment of the whole question of quit-rents at this time, see Wertenbaker, 245, 246.

ingly, seems to belong more properly to that portion of this preface dealing with the proceedings of the following session. Another dispute looming upon the horizon was the dispute in reference to a charge made in the secretary's office for the recording of surveys. At this session, however, it did not go beyond the secretary and the House.⁷⁷ The governor was to become involved at the next session.

An interesting case in which some time was spent at this session of the Assembly was that of *William Fitzhugh*, of *Stafford*. This had first come up at the 1685 session of the Assembly. The House, on representations made from *Stafford*, charged *Fitzhugh* with misrepresenting the amount of the claim that the Assembly in 1682 had ordered paid him and *George Brent*, and requested the governor to issue out his warrant to *Fitzhugh* to appear before the next General Assembly to answer the charges against him, and in the meanwhile to suspend him from all his public offices. The House suggested, however, that if any other method of proceeding appeared better to the governor, they would be glad if he would communicate it. The governor replied that he agreed with the House that a warrant should be issued commanding *Fitzhugh* to appear before the next General Assembly, but that *Fitzhugh* ought not to be deprived of his offices before trial.⁷⁸ At the present session the further count was added to the charge that *Fitzhugh* had collected from the county 4,000 lbs. of tobacco as payment for his services as a member of the House at the preceding session, whereas he had not been present at that session. The charge against *Fitzhugh* was regularly drawn up, and approved by the House, and a committee appointed to "manage the said charge," a copy of the paper being sent to the governor and Council, with the request that the governor appoint a day for the trial. The governor appointed *Saturday*, the 6th of *November*. In the meanwhile, however, *Fitzhugh* had drawn up charges against *Martin Scarlet*, one of the members of the House for *Stafford*, and had presented them to the governor and Council, by whom they were referred to the House. The House then dropped their intention of prosecuting the impeachment, but ordered that all the papers in the case be delivered to *George Brent*, the king's attorney general—with the intent that the case should be prosecuted by him before the General Court. *Brent* was soon after the dissolution of this Assembly relieved of office by the governor, and *Edmund Jennings* was appointed in his stead. *Brent*, who was a member of the House at the next Assembly, informed the House, when the report of the Committee of Propositions and Grievances was under consideration—in which the conduct of *Fitzhugh* was characterized as "the abuse put upon *Stafford* County and the whole country by Lieutenant Colonel *William Fitzhugh*"—that he would deliver the papers in the case to *Jennings* as soon as that gentleman came to *Jamestown*; and the House sent an address to the governor requesting him to prosecute the case without fail at the next meeting of the General Court. The governor promised that this should be done.⁷⁹ No further official record in reference to the matter is to be found. The case is, however, of the very highest interest as being one in which at the start the House adopted the method of an impeachment trial for bringing the accused person to justice, dropping this later, however, in favor of an ordinary trial before the General Court.⁸⁰ It is of importance, further, as showing the general attitude of the House throughout this whole period toward the grievances of the people. They looked upon themselves as the body whose duty it was to examine carefully into all the wrongs of the people and to see that the proper remedies were applied.

⁷⁷ See pp. 266, 268.

⁷⁸ McDonald, VII, 357-360.

⁷⁹ See pp. 266, 268, 271, 282, 300, 303, 305, 306. Fitzhugh refers to the matter briefly in a letter written by him to Nicholas Haywood and printed on p. 131 of vol. ii of the "Virginia Magazine of History and Biography."

⁸⁰ The difference between the two methods was that in the impeachment proceedings a committee of the House would have prosecuted the case before the Council. Whether the governor would have sat in the case is somewhat uncertain, since he had by this time declared himself separate from the Council in legislative affairs, and this case, though judicial in matter, was to be one prosecuted by one branch of the General Assembly before the other. In an ordinary trial the Council and the governor sat as the General Court. There was a jury, and the attorney general prosecuted. It is possible that the change determined on by the House in the method of the trial was due to their desire to have a jury associated in the trial of the case. The records are, however, too meagre to permit of assured statements along this line or of a fair judgment as to the merits of the case.

The same attitude is well illustrated in the action of the House at the next session of the Assembly in the case of *John Custis*, member of the Council, collector of the customs for the district composed of *Northampton* and *Accomac* counties, accused by the inhabitants of those counties of extorting unjust fees and of outrageously overbearing conduct on an occasion when the people fought to give to their burgessees for presentation to the House a paper making complaints of him. The House presented the governor an address asking that he look narrowly into the matter and apply the proper remedies. This he promised to do. They, furthermore, later collected the evidence against *Custis* and informed the governor that they were ready to present it to him. He, however, so far as the Journal discloses it, made no further move in the matter.⁸¹

The Journal of the House for this 1686 session is of further interest for the notice it contains of a meeting of the House in Committee of the Whole. The terse record is as follows: "The House mett. Mr. *Speaker* leaves the chayre, and the house resolves into a Grand Committee. Coll. *Danl. Jenifer* is put in the Chayre."⁸² There are several instances in the next session of the use of this committee, and afterwards it became regularly established as one of the agencies for carrying on business. That the committees of the House at this period sometimes sat during the sessions of the House is shown by an entry on page 278. A message had come to the House from the governor desiring the immediate attendance of the House on him, and the record says: "The house Send to call in the Committees in Order to attend his Excellency[s] Commands." The last resolution adopted by the House at this session is the following: "Resolved that the Bookes of Records, journals, papers and all other writings belonging to the Assembly be and stand now committed to *Robert Beverley* the present Clerke of this Assembly, And that he be (and be stiled) Keeper of them and that he take care to preserve them Safe and have them forthcoming and ready to make delivery thereof to the house of Burgessees the next Succeeding Genl Assembly." This shows that the term "assembly" was the term still preferred by the House as their official designation, though the term "House" is used in most other places in this Journal. This is the first recorded use of the title "keeper of the records."

Beverley was not very long to enjoy the new title, for this resolution was passed in the morning, and in the afternoon the letter from the king dissolving the Assembly and dismissing *Beverley* from office was read. It is very probable that the House had received some intimation of what was coming, and that this resolution may be looked upon as containing a note of defiance. Exactly what was done in connection with *Beverley* after the dissolution of the Assembly is not known. It is certain, however, that his custodianship of the papers of the House was not interfered with, for in the Journal of the House for the next session it is distinctly stated that the records and other papers which were then turned over by the clerk of the Council to the new clerk of the House had come into the keeping of the clerk of the Council by order of the Council made after the death of *Beverley*. *Beverley* died early in the year 1687.

⁸¹ See pp. 314, 319, 320.

⁸² See p. 282.

The Assembly of 1688.

THE Assembly of 1688 met in but one session. The Assembly was called to meet on the 19th day of *April*, but was prorogued to the 24th. The Journal of the House begins with the proceedings for that day. The session came to a close on the 12th of *May*.

The Journal of the House for this session is far better kept than those of an earlier date. The Clerk of the House was now for the first time, in accordance with the order of the king referred to above, appointed by the governor, and he no doubt wished to shew by faithful work that the new method of selection of this very important officer would be beneficial from the point of view, at least, of the records of the House. Moreover a special committee was appointed by the House "to inspect the Journals every evening and report to the House next Morning."

The clerk appointed was *Francis Page*, of *York County*, who had been returned a member of the House for this Assembly, and to take whose place a new member had to be elected. It will be remembered that at the *November 1682* session much controversy arose between the House and the deputy governor and Council over the form of the oath to be taken by the clerk. It looked at first as if a similar controversy would arise at this session, but in reference to a different feature of the oath from the one then involved. The oath in its first form, as brought down by the two honorable members of the Council commissioned by the governor to administer it, contained no clause binding the clerk to secrecy. The House immediately sent an address to the governor declaring that though the clerk was hereafter, by command of the king, to be appointed by the governor, he was to be as much the "servant" of the House as any former clerk, and asking that the oath as formerly worded should be administered. It is to be noted, however, that in this oath as now sent the governor for his inspection the term "clerk of the House of Burgesses," not "clerk of the Assembly," is used, which indicates that the House had finally come to the conclusion that there was no wisdom in using time in disputing about the employment of practically synonymous terms. The governor replied that in omitting the clause in reference to secrecy he had not intended to intimate that the clerk should be a spy on the House in any way, or was to report to him what was said in debate, but that he merely wished to be able to secure from him from time to time information as to the business transacted, because formerly all business had been kept so secret that matters had been frequently presented to him for which he had not been prepared and a proper consideration of which he had not had time to give. He accordingly sent down a new form of oath, which was the oath submitted by the Burgesses with the insertion of the words "by his excellency" after the clause "to which office you are appointed," and the change in the secrecy clause of the oath of the words "all proceedings" to "private debates," making this clause read: "you shall keep secret all private debates of the said House of Burgesses so far as shall by the said House be found necessary." The reasonableness of the governor's position was recognized by the House, and they allowed their clerk to take the oath.

They continued to be as cautious as ever, however, in regard to matters which had not been acted on. Only actual results were to be communicated to the governor. Later in the session the governor asked that the "grievances" which had been sent to the House during the session¹ might be handed him for his inspection. The request was politely refused.² Nor would the House send the "grievances" to the Council, even though they had requested the Council to join them in an address to the governor in which some of these grievances were to be set forth, but suggested that there should be a conference of members of the House with members of the Council to which should be brought such

¹ These were the statements made by persons throughout the Colony as to cases of injustice or unsatisfactory conditions of any kind.

² See pp. 312, 313, 320.

of the grievances as were involved in the proposed address to the governor. This suggestion the Council refused to accept, and refused also to join in the address. The language used by the House in introducing their proposal to the Council gives clearly the view of the House as to their functions in the scheme of government. It was: "This house doth humbly offer, that although it be contrary to the privilege and practice of this House which is the Grand Inquest of the Country to intimate the grievances thereof otherwise then by address or bill for redress of the same ready prepared to that purpose, Yet this house are so earnestly desirous of all means that may be imagined proper to the obtaining the end aimed at" that, etc., the proposal being then made.⁸⁵ In consideration of the fact that some of these grievances probably contained reflections more or less bluntly stated on the conduct of the governor in various ways, and possibly reflections on members of the Council, it was undoubtedly wise that they should be carefully guarded from the governor, for the governor was not above taking revenge. It was wise, too, as the conditions then were, not to hand them over as a whole to the Council, who would inevitably have passed them on to his excellency.

Arthur Allen was re-elected speaker. To the address of the House to the governor that he appoint members of the Council to administer the usual oaths to the members, the reply was received that since the declaration made by the king on April 4, 1687,⁸⁶ the taking of these oaths was unnecessary, but that members of the Council would be assigned to administer them to such as, nevertheless, preferred to take them, it being understood, however, that the failure of any member to take the oaths should not operate to deny him any of the privileges of a member. The only member who failed to take the oaths of allegiance and supremacy—all took the oath of a burgess—was *George Brent*, the former attorney general. This shows that *Brent* was a *Roman Catholic*. That he was not, however, abridged in any way of his privileges on this account is amply shown by the Journal, for he took a very prominent part in the proceedings.

Lord Howard made an adroit speech at the opening of the session, explaining why the Assembly was called to meet at this time. He announced that unless he had been especially directed to convene the Assembly he would not have done so, since he had arranged satisfactorily the affairs of the militia, and the Colony was enjoying the good effects of the peace which had been entered into with the *Seneca* Indians,⁸⁷ by the assistance of the governor of *New York*, and was not called on to pay the heavy charges for the defense of the frontiers which had been necessary before. However, he had been instructed to call the Assembly together in order that a law might be passed prohibiting the exportation of tobacco in bulk, an object in reference to which a petition had been made to his majesty, which had been promptly granted by the king, who, though he might have brought about the desired result by a proclamation, had graciously allowed the Assembly to work out the details of the measure. In addition, he had received a message from the governor of *New York* asking that assistance in money be granted to that Colony by *Virginia* in defraying the great expense incurred in helping to defend the *Senecas*, who had now become the subjects of the king, from the encroachments of the *French*.⁸⁸ It was but reasonable, in the governor's opinion, that the Colony which had been profiting so much from the treaty entered into with these Indians should be willing speedily to grant this request, which was, moreover, made by the governor of *New York* by direction of the king, as might be seen from the letter of the governor of *New York* to the governor of *Virginia* and the letter of the king to the governor of *New York*, both of which would be transmitted to the House.

The House went almost immediately by means of a Committee of the Whole House into a consideration of that part of the governor's speech relating to the assistance to

⁸⁵ See p. 324.

⁸⁶ This was the famous Declaration of Indulgence suspending the operation of the laws against Non-conformists and Catholics and of every act imposing a religious test for office holding, and was one of the causes leading to the exclusion of James II from the throne in the Revolution of 1688.

⁸⁷ The governor spoke only of the *Senecas* because this tribe of the Five Nations was the one which had before the treaty of peace made the trouble along the frontiers of *Virginia*.

⁸⁸ See p. 292.

New York and of the two letters referred to in his excellency's speech, the report of the committee being that they did not find any just reasons why the help should be given. This report was adopted by the House *nemine contradicente*. The reasons of the House for this action, drawn up by the Committee of Propositions and Grievances and approved by the House, were duly presented the governor, being, in substance, that whereas they noticed in the letter of the king to the governor of *New York*, dated *November 10, 1687*, that his majesty had sent orders to the governors of the several colonies in *America* "to afford such help as the exigency should require," they were not aware that any directions on this score had come to *Virginia*, and had thence concluded that his majesty, knowing the distance of *Virginia* from *New York*, had required the plantations nearer at hand to furnish such help as might be needed; that the indigent circumstances of the country rendered it impossible for the Colony to grant any help; and that, the trouble in *New York* arising chiefly in reference to the conduct of trade, the province did not appear to be in any very great danger and therefore not in pressing need of the assistance. The governor replied to this by saying that he had been instructed in the matter, making use of the following affirmation: "But that you may be fully satisfied I have received Commands from his Majesty therein, I have herewith sent you a Copy of my Instructions Attested under my hand that you may from thence think yourselves Obligated to contribute." The copy of the instruction followed. This was: "In case of the distress of any of our Plantations, you shall upon application of the Respective Governours thereof to you assist them with what aid the condition and safety of your Government can permit." The instruction was, however, undated, and was in fact one of the general instructions given him when he was first commissioned as governor, and not a special instruction for this particular occasion. Though the House did not seem to understand that the instruction had not been recently received by the governor, they persisted that the need of *New York* was not great enough to warrant the sacrifice on the part of the people of *Virginia*.¹¹ The matter rested there. The governor's disingenuous use of his instructions in this case was not an isolated instance of the lapse of a good man from the path of truth under strain, for in fact he did not care very greatly about the matter, but was characteristic.

The House took their own time in considering the command of the king in reference to the passage of a law prohibiting the export of tobacco in bulk. They were greatly surprised to hear that a petition on the subject had been presented to the king as coming from the people of *Virginia*, and found later that the petition had in reality come from certain merchants in *London*, who had presumed to ask for something which, while it might be advantageous to the merchants, was not, in the opinion of the House, of benefit to the Colony. Accordingly, they refused to draw up a bill on the subject, though several times urged to do so by the governor, taking the ground that the king, when properly informed, would withdraw the instruction. Their reasons are set forth at length in a communication to the governor dated *May 11*, and more succinctly in a report drawn up by the Committee of Propositions and Grievances stating the grievances under which the country suffered and suggesting that the Council be asked to join with the House in an address to the governor setting forth the conditions.¹²

The report of the Committee of Propositions and Grievances just referred to was by far the most important paper drawn at this meeting of the Assembly. It was adopted by the House, and that part of it setting forth the general grievances of the country sent to the Council for their consideration as a basis for the address to the governor from the House and the Council. The Council refused to join in the proposed address, giving their reasons at length in a communication to the House dated *May 12*. It was in connection with the framing of this address that the Council asked that the grievances of the people be sent them, as already referred to. The proposed address to the governor was never drawn up, but the report of the Committee of Propositions and Grievances, which would have formed the groundwork of the address, was, no doubt, read and care-

¹¹ See pp. 295, 298, 299, 300, 302.

¹² See pp. 316, 318.

fully considered by the governor when it was in the hands of the Council, for though the governor and Council no longer sat together, correspondence between them was perfectly free. In fact, the reply to the report made by the Council has the ring of such replies made in the old days when the governor was the chief actor in the Council. In addition, this report, being one of the things actually passed on by the House, was not covered by the oath of secrecy of the clerk of the House, who may, without betraying the confidence of the House, have, on the demand of the governor, given him information as to its contents. We may be certain, therefore, that the governor was well informed in regard to it; but it was never presented to him in an official way. However, it was presented officially to persons of much greater importance even than he, for it was destined to go to the king in Council. When the reply of the Council to the proposal of the House that the joint address be drawn up was received by the House, the House resolved that the time had come to appeal to the king, and appointed a committee to draw up the petition. This occurred in the morning of the 12th of May. In the afternoon Lord Howard, who had, of course, heard of what was going on, summoned the House before him and dissolved the Assembly, not, however, before the committee had had a chance to present the petition, which was adopted and ordered to be entered upon the Journal. The last resolution adopted by the House reads as follows: "Resolved that Mr. *Speaker* sign the above petition and the Copy of the grievances thereto annexed And that Coll. *Phillip Ludwell* be desired by Mr. *Speaker* on behalf of this House to present the same to his Most Sacred Majesty." The "grievances" referred to was the report of the Committee of Propositions and Grievances, as is shown by a comparison of the report as given in this volume with the paper actually presented to the king.¹¹ *Philip Ludwell* had been suspended from the Council by Lord Howard, on account of his refusal to support the policies of the governor, early in 1687. He had been elected a member of the House for the present Assembly, but because of the order that a suspended councilor should not be allowed to become a member of the Assembly, could not take his seat.

The document, which was virtually an indictment of the governor, contained a carefully worded statement of the grievances which, in the opinion of the House, were intolerable, and which had repeatedly been called to the attention of the governor. The Journal of this session and those of preceding sessions show that much of the time of the House had been taken up in disputes in reference to them, and nothing had been effected so far as the more serious of them were concerned. The paper first gave a statement of the position of the House in regard to the proclamation of the governor repealing the act of Assembly of 1682. The statement is brief, not going into details, but forcibly and clearly gives the view of the House as to the general principle involved. In its other parts, also, the paper deals with principles rather than with details, so that the other numerous papers produced either at this session or at other sessions bearing more specifically on the individual questions involved have to be referred to for these details.

In 1680 the General Assembly of *Virginia* had passed a law¹² requiring attorneys to be licensed and specifying the fees they were to be allowed to charge. In 1682 this law had been repealed by the General Assembly itself.¹³ Later, the second law, when called to the attention of the king in Council, had not been allowed, and the governor had been ordered to repeal it by proclamation. In the same proclamation in which he had announced the repeal of the law of 1682, Lord Howard had inserted a clause declaring that the law of 1680 was revived and in force. He maintained that though the law of 1680 had not received the assent of the king in the sense that it had been formally called to his notice and approved by him, it, as was the case with most other laws of *Virginia*, had gone into effect on its passage and hence was a law by the indulgence of the king—as much a law as if the king had formally approved and signed it. Hence, when a succeeding law of *Virginia* repealing this law was itself repealed by the king, the former law

¹¹ For this paper see McDonald, VII, 338-343.

¹² Hening, II, 478, 479.

¹³ Hening, II, 498.

was necessarily revived. The House maintained that the repeal of the law made it as if it had never been, and that the only authority which could put it in force again was the General Assembly of *Virginia*. The question was, of course, as to the source of Colonial *Virginia* laws. Was the king the source of all laws of *Virginia*, the General Assembly acting merely as advisers as to what should be passed? or was the General Assembly the source, with a veto power residing in the king? Manifestly, at the stage of growth reached by the *Virginia* constitution at that time, the contention of Lord *Howard* was correct. The Colony was not yet entirely self-governing.

The second grievance mentioned was the imposition by Lord *Howard* of a fee of two hundred lbs. of tobacco for affixing the impression of the seal of the Colony to land patents and other public instruments. Before Lord *Howard*'s time—or before the time of the reception by Lord *Culpeper* of his second commission—the seal had been kept by the secretary of the Colony, and only a very small fee, and that fixed by law, had been required on the use of it. Lord *Howard*, however, having been made by his commission keeper of the seal, had seen a chance to reap a large profit from this source¹¹ and had persisted in collecting the fee, though it had been pointed out to him time and again that it was in many instances exorbitant and in all unusual and without warrant of law. His arguments, or excuses, were mendacious as well as childish. Though he was dealing with full grown men, and men of ability, and he himself was a man of ability, he condescended, in his grasping determination to secure the profits of the seal, to make the most absurd statements, as where he said that he was not affected by the money involved, but by the wish to safeguard the dignity of the seal, the evidence of his sacred majesty's power; and where he said that the proclamation made by him giving notice that the fee was to be imposed was not an ordinary proclamation, but a decree in chancery,—meaning, apparently, by this that, as the lord chancellor was in *England* the keeper of the seal, so he, the keeper of the seal in *Virginia*, issued when giving rules in reference to the use of the seal, not proclamations, but decrees in chancery. This absurd declaration was made on one occasion when the House demanded his warrant for his action. It was a well established principle that proclamations had to be based on some law of the Assembly or command from the king. The commission, however, under which he was acting gave him power to constitute necessary courts of judicature in the Colony, and he was in this statement endeavoring to relate his conduct with that power. The plain fact, however, was that he had no warrant whatever for the imposition of the fee. It was an instance of executive encroachment upon the rights of the people, and the House of Burgesses performed a most valuable service to the people in resisting it to the extreme.

The third matter complained of was the fee charged in the secretary's office for recording surveys of land, the service for which it was exacted being unnecessary, and it having been fixed, not by law, but by order of the governor and Council. In connection with this, the burdensome fee of five pounds sterling exacted by an escheator in case of the exercise of his function was again presented as a grievance.

In the fourth place, it was represented that whereas all fines and forfeitures were appropriated by law to the use of the Colony, no account of these had ever been rendered the General Assembly; and that all charges for prosecuting criminals and impressing messengers for conveying letters of the governor or to the governor on public business should be paid out of the aforesaid fines and forfeitures or out of "the revenue," and not from the amount received from the poll tax. In reference to the payment of messengers, the governor had made a suggestion at this meeting of the Assembly that it should be ordered that they be paid out of the tax on liquors. But as this was not "the revenue," the suggestion was not favorably acted on.¹²

When the questions embraced in this paper were finally disposed of in *England*, which was not until *William* and *Mary* had ascended the throne, it was found that the House had won in the important counts of the indictment. It was recommended by

¹¹ William Fitzhugh in a letter, dated April 5, 1687, to his brother, Capt. Fitzhugh of the English navy, estimated that this perquisite was worth between eighty and one hundred thousand pounds of tobacco a year.

¹² See pp. 307, 311.

the Lords of Trade and ordered by the king in Council that the fee of 200 lbs. of tobacco collected by Lord *Howard* for affixing an impression of the seal to documents and the fee of 30 lbs. of tobacco collected in the secretary's office for registering a survey should be discontinued. It was held, however, that Lord *Howard* was correct in his interpretation of the law in reference to repealed laws, but it was recommended by the Lords of Trade that the king should repeal by proclamation the "Act imposing and ascertaining attorneys fees" of 1680, to which the House objected, but which Lord *Howard* had by his proclamation declared—and correctly so—to be in effect on the repeal in the same proclamation of the *Virginia* law of 1682. The escheator's fee was declared reasonable enough. Lord *Howard* was continued as governor of *Virginia*, but he was ordered to remain in *England*, and Lieutenant Governor *Francis Nicholson* was sent over to assume the actual management of the affairs of the Colony.

At this session of the General Assembly not a single law was passed, the session in that respect equaling in barrenness the session of 1685. A few bills had passed the House and been sent to the Council, but had been rejected or had not been acted upon by that body when the dissolution came. But the enactment of laws was not the only function of the Colonial General Assembly of *Virginia*—indeed, at times, not the most important function—and the resistance of the House of Burgesses at this session to the encroachments of the executive, coming to a climax in the petition to the king, makes this session one of the most important ever held by the General Assembly.

Assembly of 1691-1693.

First Session.

OF the Assembly of 1691-1693 there were two sessions, the first continuing from April 16, 1691, through May 22, and the second from April 1, 1692, through April 30. Lord Howard, of Effingham, returned to England early in 1689, leaving Mr. Auditor Bacon, president of the Council, as acting governor.

Auditor Bacon was, however, a very old man, and the duties of acting governor seem to have been largely performed by Secretary Spencer till the secretary's death on the 29th of September, 1689.⁶⁶ Francis Nicholson, lieutenant governor for Lord Howard, arrived in the spring of 1690. Before the first meeting of this Assembly he had impressed himself most favorably on the people, as the Journal shows, and throughout this session he conducted himself with such circumspection as to win the regard of all.

The session was a most satisfactory one; harmony prevailed and much needed legislation resulted; and, besides, several important papers were drawn up. Not a single bill was lost because of conflict between the two houses, though, of course, many amendments were made by the Council to bills that had passed the House, in which chamber at this time all bills originated, and the Council could not be prevailed on to accept in full as also their address the address made by the House to the king and queen thanking them for what they had already done for the people of Virginia, and suggesting other things that might be done.⁶⁷ The session constituted a veritable era of good feeling. At its close the singular sight is presented of the General Assembly petitioning the king to allow the governor to accept a gratuity which the Assembly had voted him for the manner in which from his first arrival he had discharged the duties of his office. When the vote of the present had been announced to Nicholson, he had refused to accept it on the ground that acceptance of such a gift would be contrary to his instructions.

At the beginning of the session Nicholson allowed the House to indicate to him whom they wished appointed as clerk. The House unanimously elected Peter Beverley, a relative of their former clerk, Robert Beverley, and sent a communication to ask the lieutenant governor that he would be pleased to confirm the said Beverley in the office and order him to attend the House. The appointment was made at once, and the same oath taken by Francis Page at the preceding session was in due time administered to him. Peter Beverley had been at the preceding session clerk of the Committee of Propositions and Grievances, and to this clerkship was now elected Edward Chilton, the former clerk of the Council, over whose payment for services as clerk of the Council in Assembly and for other services many angry disputes had in past years arisen between the House and the governor and Council. William Edwards had taken the place of Chilton as clerk of the Council. Thomas Milner was elected speaker. Arthur Allen, speaker for the two preceding meetings, had been elected a member of the House for the present Assembly, but it is recorded in the proceedings of the 4th day of the session that he had scrupled to take the new oaths required and accordingly was obliged to retire from the House.

The new oaths were those prescribed by the Bill of Rights to be taken by all governmental officials instead of the former oaths of allegiance and supremacy. Anyone who took them acknowledged the right of William and Mary to the throne as against the right of James II. In other words, he accepted the principle of the parliamentary control of the succession to the throne of England as opposed to the principle of divine right by birth. Allen, then, was a Virginia lay brother of the Nonjurors in England. In the House, Allen had only one companion, namely James Bray of James City County,

⁶⁶ "Calendar of State Papers, 1689-1692," Nos. 40, 92, 93, 505.

⁶⁷ The principal thing that the Council would not join with the House in asking for, was that the right of trying cases appealed from the General Court might be restored to the General Assembly. (p. 370.)

who absented himself from the House, giving sickness as his excuse, till the 18th of May, and then "thorough Scruple of Conscience" refused to take the oaths.

The "test," also, for the first time makes its appearance in the Journal for this session. This was the declaration against transubstantiation provided by the *English Test Act* of 1673. A copy of it was subscribed to by all the members present on the afternoon of the day on which the oaths were administered. Later on it became the habit to "subscribe the test" just after taking the usual oaths.

The lieutenant-governor's speech set forth the matters which should, in his opinion, be at once attended to. These were; the security of the country, since *England* and *France* were now at war; the renewal of the act imposing a tax on liquors, in order that the poll tax might be kept down; the settlement of the Indian trade, as his majesty had been pleased that there should be no restriction on it; and the erection of a governor's house. He closed his speech with the pious suggestion that in order that the objects for which they had been summoned might be speedily and well accomplished a day of fasting and prayer should be set. After the immediate consideration of the speech in Committee of the Whole, the House signified in an address their agreement with the governor as to the day of fasting and prayer, which was accordingly duly proclaimed and duly observed.⁹⁸ Resolving into a Committee of the Whole again the next day of meeting the House adopted the resolution that it was very necessary that such means be considered as would best preserve the country in security and that the thanks of the House should be rendered the governor for the great care he had already taken in that regard, but that since a due consideration by the Committee of the Whole of the best means for preserving this security would require so much time as to delay seriously the other business of the House, this matter should be first debated by the Committee of Propositions and Grievances, as also the other parts of his honor's speech.⁹⁹

The lieutenant governor's program went through without trouble in its most important features: an act for the defense of the country was passed, the duty on liquors was continued, and an act was also passed for a free trade with the Indians. This last act consisted merely of a repeal of all former laws limiting such trade, and became one of the permanent laws of the Colony.¹⁰⁰ The House were prepared, however, only to vote for the erection of the governor's house if the money in payment therefor was to come out of "the revenue."¹⁰¹ So this matter was not pushed.

In the act continuing the duty on liquors the rate was increased from 3 d. to 4d. a gallon, and it was provided that the money arising from the operation of the act should be paid to the "treasurer." Another act, also, passed at this session, but not in response to recommendation from the governor, contained references to the "treasurer," who was to receive all moneys arising from its operation.¹⁰² Now there was at that time in *Virginia* no officer specifically known as the "treasurer," the auditor performing the functions of a treasurer of "the revenue" and also of the tax on liquors up to that

⁹⁸ The observance of such days of prayer, fasting, and humiliation was very frequent in those days, and of a day of thanksgiving occasional, as an examination of the Journals will show.

⁹⁹ Throughout this volume of the Journals the term "his excellency" is used in referring to a governor-in-chief, "his honor" in referring to a lieutenant governor.

The use of the Committee of the Whole for the first consideration of the governor's speech soon became the regular procedure.

¹⁰⁰ In Spotswood's time an act was passed placing the Indian trade in the hands of a company, which was to have a monopoly, and the act referred to above was repealed, but Spotswood's law was repealed by proclamation, and the original act went into effect again, in accordance with the principle decided in the great dispute between the House of Burgesses and Lord Howard as to the status of repealed laws in cases where the repealing laws had been themselves repealed by proclamation. See *ante*.

¹⁰¹ See p. 364.

¹⁰² This was the "Act for Ports, and so forth," bills for which had created so much friction in the two former sessions of the Assembly but in reference to which the House and the Council had now composed their differences by mutual concession. It went far beyond the previous act passed on the subject, namely, the "Act for cohabitation and encouragement of trade and manufacture" passed in 1680, and imposed export duties on skins and furs, one-third of the money collected to be expended in procuring arms and ammunition and building fortifications, one-third to go to the support of the clergy, and one-third to be expended for the encouragement of learning. It was, though it went only partly into effect, being later suspended by the General Assembly, an act of very great importance.

time. The use of the term "treasurer," accordingly, in these two acts gave intimation that a new act was to be passed naming a treasurer, and later in the session the bill, which was duly to become an act, made its appearance, naming *Edward Hill* as the treasurer. This treasurer was to have all his accounts examined by the General Assembly.¹⁰³

It will have been seen from what was said in the foregoing paragraph that the legislation of this session was not merely the enactment of the program of the governor. The truth is, that that program, though leading to an important part of the results of the session, was not responsible for the greater part of these results. The bills which had failed at the preceding session had to be taken up again, and to these others were added. Accordingly, the acts of the session numbered when the session came to an end twenty-one—all of them well considered measures. This was a greater number than had been passed at one session for many years.¹⁰⁴

In addition, two "books of claims" were passed—the one that ought to have been passed at the preceding session, and the one containing the allowed claims arising since that session—and many important matters discussed. Without doubt, the session was an unusually busy one. It lasted only seven weeks, and from the start it was the desire of all to finish as soon as possible, for the fleet was to sail for *England* in *May*—about the 10th of *May*, the governor had said in his speech—and by this fleet was to go an account of at least a part of the transactions of the Assembly. The reader should not be surprised, therefore, to find the House in the first part of the session meeting as early as seven o'clock in the morning, and toward the close meeting regularly at six.

Two of the acts passed at this session were for the formation of new counties. *King* and *Queen* County was formed from *New Kent*, and *Lower Norfolk* County was divided into *Norfolk* and *Princess Anne* counties. The laying out of the boundaries of counties and parishes was one of the powers given by their commissions to the governors of the Colony, and not to the General Assembly. When in the *May* 1684 session the House presented to the governor and Council a bill for fixing the line between *Warwick* and *York* counties, Lord *Howard* promptly rejected it.¹⁰⁵ From the present time on, however, the power was quietly assumed by the Assembly and allowed by the governors.

It was necessary at this session of the Assembly to provide a reward for *Philip Ludwell* for his services in connection with the address of the last House of Burgesses to the king—services that had resulted so beneficially to the Colony. This was a somewhat delicate matter, for the Council had not joined in that address and had, in fact, expressed dissent from every one of the items embraced in it. *Ludwell* had been sent over by the House on their own responsibility; but when it came to paying out public money, the Council had something to say. The House could profusely thank *Ludwell*, which they did, but could go no further without the aid of the Council. However, they boldly ordered that £250 sterling be paid him out of the import tax on liquors, that fund being then in good condition, and stoutly sent the order to the Council for confirmation. The Council recognized that *Ludwell's* mission had resulted in good to the Colony, though they had in the preceding session, under the influence of Lord *Howard*, opposed the things he stood for, and they probably from the time the resolution of the House in reference to the payment reached them intended to approve it. But they saw in the situation a chance for a trade, which, good politicians as they were, ought not to be allowed to go by. There were a few items that they wished inserted in the book of claims which the House would not allow, and consequently they made the proposal that if these claims were passed they would agree to the *Ludwell* order. Though

¹⁰³ This was provided for in the two acts raising the money of which he was to take charge. In this requirement the House were evidently aiming to keep as large a control of the financial system of the Colony as possible. They had by this time about given up their active efforts to audit "the revenue," though even after this they made perfunctory requests that the accounts of "the revenue" be opened to their inspection, and they still insisted on taking part in the expenditure of that revenue. But "the revenue" they felt was slipping away from their control, and they wished to see to it that other taxes should not do this.

¹⁰⁴ They are all given in full in *Hening*, III, 42-97.

¹⁰⁵ See p. 211.

the House at first demurred and fought to argue, they were compelled finally to yield.¹⁰⁶

One of the most important matters discussed at this session was the founding of *William & Mary College*. It is gratifying to note the enthusiasm which the scheme aroused in the House, the Council, and the governor. A very great deal of the valuable time of the Assembly was spent on it. The plan adopted was to send the Rev. *James Blair* to *England* to secure from *William and Mary* a charter for the college. The entries made in the Journal seem to warrant the statement that the charter was drawn up by *Blair* himself.¹⁰⁷ He went to *England* with the petition of the General Assembly and, probably, the draft of the charter.

Second Session.

THE second session of the Assembly began *April 1, 1692*, and closed on *April 20*. The lieutenant governor in his opening speech, which, on account of the sickness of *Nicholson*, was read by Mr. Secretary *Cole*, suggested in the first place that a day of public thanksgiving be observed, in recognition of the protection that God had thrown around the Colony. This suggestion was, it is needless to say, eagerly seized upon by the House. The Council were forthwith asked that they join with the House in a request to the governor that the day be named. The first matter of worldly business with which the speech dealt was the act for the defense of the country passed at the preceding session of the Assembly. The governor recommended that it be continued, or a law as good substituted. He was happy to report that it had not been necessary for him to raise men additional to those regularly provided for in the act, and even these had not been in service all the time. He had not carried out the directions of the act in reference to laying off a line around the *English* settlements beyond which land could not be taken up, since conditions had so changed that this was not then absolutely necessary, and he had found that alterations in the line as described in the act would be beneficial. His reasons for thinking this would be offered whenever a committee should be appointed to receive them. He announced that the king and queen had sent a large supply of military stores for the defense of the Colony, and asked the advice of the House as to the best places in the counties to which to send them and the cheapest method of conveyance.

This matter of the disposition of the stores was hardly one for legislative action, but rather for the Council in their advisory capacity. The reference of it by the governor to the General Assembly seems to be an indication that *Nicholson* wished, by appealing to the House in an important matter, to keep on the best possible terms with that body, and also to have them share the responsibility of making the apportionment, a difficult matter and one most likely to be productive of criticism. The question was referred by the House to a committee of conference made up of members of the House and of the Council. This conference committee, having secured the permission of the House to do so, agreed to lend 25 barrels of powder to the governor of *Maryland*, who represented that his province was in urgent need, and apportioned the rest of the stores, but left wholly to the House the business of conveying them. The report of the House members of the committee was handed in on the 14th of *April*, and managers to attend to securing transportation were immediately named by the House.¹⁰⁸ In order to have the material allotted to the *Potomac* and *York River* regions transported, however, the House were finally compelled to ask the governor to have sloops and men impressed, such unreasonable charges had been demanded.¹⁰⁹

¹⁰⁶ See pp. 351, 356, 362, 363, 365, 366.

¹⁰⁷ See pp. 353, 361, 363, 368.

¹⁰⁸ It should be remembered that the General Court met by law on the 15th of April, to continue in session for eighteen days. The entry on page 403 in reference to the request made by Robert Carter that he be allowed to waive his privilege as a member of the House and answer a complaint made against him in the General Court, shows that the court met this year as usual. After this the Council, what with their judicial and their legislative duties, must have been busy men—they probably sat as a court in the morning and as a branch of the Assembly in the afternoon—and were, hence, not loth to have the purely business details of this matter looked after by others.

¹⁰⁹ See pp. 386, 391, 392, 394, 398.

The other piece of business mentioned in his honor's speech was soon dispatched. "An act for the better defence of the Countrey" was passed, which had the same title as the act passed at the April 1691 session, but from which had been eliminated the unnecessary features referred to in the governor's speech,¹⁰⁰ the governor's reasons for not having carried out the provisions of the former act having been submitted in full on the 13th of April and evidently considered satisfactory.

In addition to this act, there were passed at this session of the Assembly six other acts, all of which are given in full in *Hening*.¹⁰¹ One of these is "An act for dividing *Rappahannock* county." The part of the old county lying north of the *Rappahannock* river was to be known as *Richmond* county, the part south, as *Effex*. The levy called for an even smaller sum than the act of the preceding session, the rate being only 17-1/4 lbs. of tobacco per poll. This small rate was rendered possible by the productiveness of the import duty on liquors, and the export duty on skins and furs. A strict examination of the treasurer's accounts of these duties was made, and the treasurer instructed to carry out to the letter the provision of the law requiring that the collectors should make oath as to the correctness of their accounts.¹⁰²

One bill passed by the House failed to meet the approval of the Council. This was a bill in reference to writs of election and summons of burgesses, and the returns to be made thereon. The present session of the Assembly was one held by prorogation, and the House found that the returns of the writs of summons made by the sheriffs, who were the election officers, were written in various forms, that for one or two counties there were no returns at all, and that in several instances the sheriffs in these returns presumed to express opinions as to the capacity or incapacity of members to serve, which was, according to the House, a breach of privilege. Moreover, the House were inconvenienced by the fact that in the recess some of the members had been incapacitated from sitting by appointment to the position of sheriff or some other office, and new elections had on this account been made necessary. The writ of summons was directed to the sheriff by the governor, and with this writ, of course, the Assembly had no right to meddle except by way of humble advice. On examination it appeared to the House that much of the trouble arose out of the wording of this writ, which in any special case directed the sheriff of the county to summon the burgesses of that county to appear at a meeting of the General Assembly to be held at a given time for a given purpose. In case of the known death or other incapacity of a Burgess to serve, it is probable that a regular writ of election to secure a new member was issued. But the writ of summons, in order to cover other cases, directed the sheriff to hold a new election "in case of death, absence, or other incapacity" of one or both sitting members for his county. The House wished these words omitted from the writ, since they opened the way for the exercise of a judgment on the part of the sheriffs which the House considered belonged to the House only. The House were also opposed to the appointment by the governor of members of the House to the position of sheriff. In the conference, however, held by a committee of the House with a committee of the Council it developed that the Council agreed with the House only as to a form of return suggested for use by sheriffs in actual elections. The Council did not care to have anything to do with asking the governor to change the wording of the writ of summons to a session by prorogation or to abandon the use of such a writ altogether, since, in their opinion, the use of the writ in its present form saved time. Nor did they care to have anything to do with the suggestion that the governor be requested not to appoint members of the House

¹⁰⁰ For this act, see *Hening*, III, 98-101.

¹⁰¹ *Hening*, III, 101-107.

¹⁰² See pp. 401, 402, 403. The treasurer was directed to request the lieutenant governor to appoint some one to swear the collectors to the accuracy of the reports already handed in. The lieutenant governor in his message to the House signifying that he would do this, made use of the following language: "In answer thereto I returne that I will Order the Severall Collectors to prepare and State their Accounts according to Law and make Oath to the same before my Self and the honorable their Majesties Council of the Auditt in June next, and then deliver them to Mr. Treasurer." This indicates that at that time it was customary for the governor and Council in June of each year to go over the auditor's accounts of "the revenue."

to positions as sheriffs. Nevertheless, the House passed a bill on the general subject, whose exact provisions, however, can now only be guessed at. That it contained some of the provisions which in the conference had been objected to is clear, for the bill was rejected.¹¹³ At this session, however, it became established by the decision of the House in the case of *Willis Willson*¹¹⁴ that a member of the House must be at least 21 years of age, and in the case of *William Lewes*¹¹⁵ that a member need not be a freeholder in the county for which he sat.

The difference of opinion between the House and the Council on the question of the writs did not develop into serious strife, nor did any other, and the session ended pleasantly. The same good opinion of the governor obtained as was held at the former session, and it was shown again by the vote of a gratuity. The governor had been permitted to accept the £300 voted him at the former session, and at this session £200 was voted, the necessary appeal to the king and queen that they allow him to accept it being made.

¹¹³ See pp. 392, 400, 404.

¹¹⁴ See p. 382.

¹¹⁵ See p. 382.

The Assembly of March 1692/93.

THE Assembly of March 1692/3 had only one session, which began March 2, 1692/3, and ended April 3, 1693. Sir Edmund Andros, of New York and New England fame, was now governor of Virginia, having entered upon the discharge of the duties of the position on October 15, 1692. Nicholson had been transferred to Maryland. Andros, who had learned little from his former experiences, disapproved of the conciliatory attitude assumed by his predecessor toward the House of Burgesses and asserted to the full what he considered the prerogatives of a royal governor. He, accordingly, before the meeting of this Assembly made an appointment to the position of clerk of the House of Burgesses. It is true that he continued in this office Peter Beverley, who had been, at the request of the House at their last meeting, appointed by Lieutenant Governor Nicholson, but the House wished to have the opportunity of saying whether or not they desired Beverley as their clerk for the present session. Hence, when they were informed by the governor in the first speech he made to them that Beverley had been appointed, they drew up an address to his excellency praying that the former custom followed in the selection of the clerk might be restored. The governor replied that in the appointment of Beverley he had acted with all regularity. The House could not deny this, but begged in a second address that his excellency would be pleased to assist the House with his interest when they should make application to the king and queen to restore their "antient usage and custome in the Chuseing of their Clerke for time to come." This request his excellency curtly refused. In his stand in this matter he had the unanimous support of the Council.

In the appointment, also, of a messenger of the House the governor essayed to take a hand. On the second day of the session the House chose their own messenger, but almost immediately after the choice had been made the sheriff of James City County appeared and informed the House that he had been commanded by the governor "to provide an officer to attend the House." The House immediately sent the governor a message politely thanking him for his thoughtfulness, but saying that they supposed he did not understand that they had already provided themselves with a messenger. The thing having been done, Andros made no further overt move, but the Council, no doubt at his suggestion, insisted, when the claims of the session came up for their allowance, on striking out the word "messenger" after the name of William Drummond, who had held the position, and inserting the words "for service done for the House of Burgesses."¹²⁶

Instead of permitting the House to go through the pleasing form of requesting him to appoint a special day of prayer, he announced in his opening speech that he had already fixed a day by the advice of the Council.¹²⁷ In his opening speech, the governor, after expressing the hope that everything necessary would be done for the "welfare, defence, and honor" of the Colony, announced that the king and queen had been pleased to continue to the people of Virginia the privilege of a free trade with the Indians. When, however, the House asked for a copy of his instruction in reference to the Indian trade, in order that they might draw up a suitable address of thanks, he refused to send it.¹²⁸ The opening speech was made on March 2, and it was not till March 11 that the House asked that a copy of it be sent them. Andros sent the copy, with a short verbal message indicative of his displeasure at the delay.¹²⁹ All these things show that the era of good feeling had come to an end. At the close of this session no complimentary gratuity was voted Governor Andros:

¹²⁶ See pp. 445, 446.

¹²⁷ The day he fixed was Sunday, and this was possibly an intimation to the House that he wished all week days of the session used up in strenuous secular labor.

¹²⁸ See pp. 424, 427.

¹²⁹ See p. 421.

The Council, almost as a matter of course, reflected the attitude of the governor, as is shown in their rejection of bills passed by the House,¹²⁰ and of the plan of the House for the revival of the laws. In one instance, however, the Council were less disposed the favor the governor than were the House. On *March 28* the House adopted and sent to the Council for their ratification a resolution that the governor should not be required to pay a duty on liquors imported by him for his own use—either those already imported or those to be imported. The Council, however, would not concur.¹²¹ It is impossible to determine the motives of the two parties to this peculiar transaction—peculiar both because of its subject-matter and because of the reversal of the usual position of the two chambers. One of the bills rejected by the Council, and the one, possibly, in which the members of the House were more interested than in any other, was a bill for the appointment of a treasurer. When at this session the usual committee went, according to instructions, to examine the treasurer's accounts, they were informed by *Edward Hill*, the treasurer named in the act of 1691, that since the preceding *June Henry Whiting* "had executed the office by virtue of the lieutenant governor's commission." The House ordered that the committee should "inquire into the said Coll. *Whiting's* authority for executing ye said office and if satisfied therein demand his accot of the sd imposition of four pence per gallon." *Whiting* produced to this committee the lieutenant governor's commission, and his accounts were examined. The commission of the lieutenant governor to *Whiting* to be treasurer empowered him to act till the next meeting of the Assembly. The House, accordingly, as soon as the terms of the commission were known, passed a bill naming a treasurer. The Council, however, rejected the bill.¹²²

The only thing of prime importance to be attended to at this session of the Assembly, in addition to the settlement of the claims against the public, was the passage of a bill for the defense of the country. The act passed at the *April 1692* session of Assembly was to expire by limitation at the end of *April* of the present year, and the condition of Indian affairs, though not especially alarming, required that this act be renewed or a similar one passed. The House passed a bill and sent it up to the Council, who made such amendments to it that it had to be entirely rewritten.¹²³ The act as finally passed had the title "An act for continuing the rangers at the head of the four great rivers," and did not differ materially from the act of the year before.

The total number of acts passed at this session was only seven, the most interesting being, perhaps, "An act for encouraging the erecting a post office in this country,"—not, however, because it bore immediate fruit. All the acts of the session are given in full in *Hening*.¹²⁴ A law passed at this session, no doubt with feelings of great disappointment to many, was entitled "An act for suspending the execution of the act for ports and so forth." The "Act for ports and so forth" had been passed at the *April 1691* session. The part of it fixing a tax on skins and furs had already gone into effect. The part in reference to the erection of towns was to have become operative on the first of *October, 1692*. The old difficulties, however, as to the erection of proper warehouses had been met with, and many complaints in reference to it had been heard. The General Assembly of *April 1692* had employed a special agent in *England* to endeavor to have the act approved by the king and queen, so that there might be no doubt even on the part of ship-masters as to its status. At the time set for the act to go into effect the king and queen had not signified their pleasure, nor when this Assembly came together had anything been heard. Hence it became necessary that the act should be suspended till their majesties' determination should be known or till the next meeting of the Assembly. This suspension applied to the act as a whole.

¹²⁰ See pp. 444, 445.

¹²¹ See p. 444.

¹²² See pp. 437, 441, 442, 444. Why Nicholson appointed Whiting to take the place of Hill does not appear, for the accounts of the latter seem to have been in satisfactory condition. Nor does it appear why the Council should have rejected the bill, for Henry Whiting, the nominee of the lieutenant governor, was named in the bill, and he had been appointed treasurer by the lieutenant governor only till the next meeting of the Assembly.

¹²³ See p. 443.

¹²⁴ *Hening*, III, 108-117.

Much of the time of the Assembly at this session was devoted to a consideration of a plan for the revival of the laws. This question had been under discussion, more or less, since the 1684 session, at which Lord *Howard* had informed the House that he would take care that a complete set of the laws be drawn up by the next meeting of the Assembly, to be considered by the Assembly. The gentlemen appointed by his lordship were slow workers; so that the work was not ready for the inspection of the General Assembly at the next meeting (1685), nor at the next (1686), and to the inquiry of the House made at that meeting the governor had to reply that the work was still in progress. At the 1688 session a similar address of inquiry was sent Lord *Howard*, to which he replied that the work was then completed; and he finally delivered to the House the revised bills drawn up by the committee. Toward the close of this very exciting session the House sent an address to Lord *Howard* praying that, since there was no time at that session for the consideration of a matter so important, the governor would appoint a committee of the Council who should, with a committee from the House, be empowered to examine the collection submitted and to report their observations at the following session. No reply had been received to this address when the sudden dissolution of that Assembly came. The matter does not seem to have been taken up at the busy 1691 session, nor at the 1692 session, but at the present session it was again brought to the fore. The work of Lord *Howard's* committee of the Council was quietly ignored by the House, and on the 16th of *March* the whole House delivered to the governor an address setting forth strongly the necessity for a revival and asking that the governor appoint a committee of the Council to join with a committee to be appointed by the House for the discussion of the best method for having the work done. The governor replied that he was glad that the House had taken under consideration so important a piece of work, which was also, at his suggestion, being considered by the Council. The next day he sent a written message to the House reiterating his interest, and informing the House that he had appointed a time and place for the meeting of four members of the Council with a committee from the House, who should confer about the matter. The plan of the House submitted to this conference was that there should be a joint committee of the Council and the House to sit during the recesses of the Assembly to accomplish the work of revision. The Council members would not agree that there should be such a joint committee, but expressed their willingness that the work be done by a committee of the House, meeting at such time as the House might direct, assisted by such members of the Council as the governor might appoint. The members of the Council evidently did not wish to be committed to doing a large part of the work. They merely wished to give nominal assistance. When the report of the committee was handed in to the House, the House appointed a committee of their members for the work, who were to meet at *Jamestown* the 1st of *September*, and sent a committee to the Council to request that a law to this effect might be passed. The Council then, after much consideration, refused to stand to their former agreement and insisted that the revival of the laws be entered into at the present session. The House, voting that this could not be done, referred to the Committee of Propositions and Grievances the consideration of the best method of carrying on the work, which committee drew up an address to the governor and Council, which was adopted by the House, showing why the work could not be done at the present session and asking that some convenient time be appointed after the adjournment of the *April* term of the General Court. But this appeal had no effect, and the matter had to be carried over to the next session.¹²⁵

Thomas Milner was re-elected speaker of the House at this session of the Assembly over Major *Samuel Swann*.

¹²⁵ See pp. 272, 302, 304, 322, 425, 428, 433, 436, 437, 438, 439.

The Assembly of October-November 1693.

THE only session held by this Assembly continued from *October 10* to *November 18*. The session was a comparatively long one, and it was undoubtedly an extremely busy one, but the results must have been most disappointing to all. Only five acts were passed,¹²⁶ the passage of which required no great amount of time, and no papers of unusual importance were drawn up. Though there were differences of opinion to be composed, these were handled decently and in order, and there were no violent clashes either between the House and the Council or the House and the governor—though the latter did on more than one occasion show evident signs of impatience and irritation—and there were no long deadlocks. The explanation of the situation is simply that the Assembly attempted at this session the performance of what was an impossibility, namely, a complete revival of the laws of the Colony without the help of a preliminary revival committee. For this blunder the governor and Council were clearly responsible, since the House were forced into the attempted revival during a session against their better judgment, as often expressed at preceding sessions, and since they at this session, so far as the Journal can be depended on, put forth their best efforts to make the adopted plan a success. The governor in his opening speech referred to the revival as being necessary, and said he hoped the House were at length satisfied it was not “a worke of Such difficulty or labour as not to be effected even during an ordinary Session.” The House, forced by former experiences to the conclusion that if there was to be a revival at all the work would have to be undertaken in accordance with the plan advocated by the governor and Council, sent, without unnecessary delay, to the Council to ask what method of procedure the Council proposed at this session in the prosecution of the work, and on receiving the reply that the bills should be passed one by one by the House in the usual manner and transmitted to the Council for their approval, ordered that the Committee for Propositions and Grievances, of which *William Fitzhugh*, a very competent lawyer, was chairman, should be constituted a Committee of Revival, who were to report the bills to the House as rapidly as they could be prepared. The very next day the committee reported sixteen of these bills, and others at intervals until all the laws of the Colony, with such amendments as could be suggested in the limited time allowed, were thus reported as bills to be adopted anew.¹²⁷ There were well over a hundred of these bills, however, each of which had to be read three times in the House before it could be adopted and sent to the Council. The House, moreover, had, of course, the privilege of amending any bill or rejecting it *in toto*, a privilege of which they were not slow to avail themselves, and any bill adopted by the House might be amended or rejected by the Council. If any special amendment proposed by the Council was not acceded to by the House, the difference of opinion had to be referred to a conference committee. For example, the first two bills reported to the House by the Committee for the Revival of the Laws had the titles “A byll for building Churches and Chappels” and “A byll for the laying out of Glebes in each parish, and ascertaining Ministers Sallary.” These were reported on the 21st of *October*, read twice on that day, and on the following day passed by the House without amendments and sent immediately to the Council. On the second of *November* they were, with others, returned to the House, each having been amended. When the House took them under consideration, it was found that the amendments could not be accepted in their entirety, and a conference was asked for in reference to them and the other Council amendments found unacceptable to the House. Two conferences had to be held before the House and the Council could agree on the final form of these two bills. From this it will be seen that the work undertaken by the General Assembly at this session was a very complicated and tedious one. Finally it had to be abandoned. There was the good result, however, that, this

¹²⁶ They are all to be found in full in *Hening*, III, 119-125.

¹²⁷ From the rapidity with which these bills were reported it may be fairly surmised that the committee must have had as a basis for their work the bills drawn up by the revival committee of the Council some years before.

experiment having been tried and found to be impracticable, it was not many years before the Council agreed to the plan advocated by the House. In 1699 a joint Committee of Revival, to sit when the Assembly was not in session, was constituted, and in 1705 a revised code was adopted.

Thomas Milner was again speaker of the House, elected over his competitor for the honor, *William Fitzhugh*, who was made chairman of the Committee of Propositions and Grievances, and who, in that position as well as in the performance of various pieces of work assigned him from time to time by the House, did yeoman service. The messenger of the House—the officer who later would have been called serjeant-at-arms—was again *William Drummond*, who, however, was at this session appointed by the governor, on the recommendation of the House. Since there is no record of a contest in reference to the matter, it is to be inferred that the House had since the last session come to recognize that the appointment of this officer, in the partition of powers then existing between the legislative and the executive branches of the government, belonged to the governor, the messenger being not infrequently called upon to make arrests, not only of members but of others, a function belonging of right only to an officer who like the sheriffs of the counties was appointed by the crown.

The messenger was called upon at this very session to arrest and keep in custody a man for abusing and striking a member of the House and speaking in disrespectful terms of the House in general—conduct which the House considered to be a breach of their privileges. So important did they deem a vindication of their privileges to be, that, after the arrest was made according to the order of the House, a committee was appointed of which *William Fitzhugh* was, almost as a matter of course, chairman—"to consider of, and draw up, and present to the House a state of the matter." When this committee reported, the House compelled the offender to make on his knees an ample apology, using a form of words prepared for him, and remanded him into the custody of the messenger till further order. Later he was discharged, on his humble petition to the House, being required to pay the usual fees.¹²⁸

In addition to the revival of the laws, the governor in his opening speech recommended to the consideration of the Assembly the "Act for Ports and so forth" and the "Act for the Reviving a former Act for Advancement of the Manufactures of this Country," which, he informed the House, had been suspended by the Privy Council but recommended for passage in revised form in accordance with suggestions made by the Commissioners of their Majesties' Customs; the passage of a law prohibiting the exportation of bulk tobacco; the continuance of the law for the defense of the country, which at the last session had been made operative for only one year; and the passage of a law for the erection of a governor's house.

In reference to only one of these matters, however, did the House act as it was hoped they would, and that was the necessary matter of defense. What had by this time become the usual law on this subject was passed, to continue in force till the last of April 1695. As for the governor's house, what may be considered the usual action was also taken, that is, the House recommended that it be constructed and paid for out of "the revenue" as soon as that fund "appropriated to discharge the contingent charge of the government" would permit.¹²⁹ On the subject of a law prohibiting the exportation of bulk tobacco, they took the same stand taken by them at the preceding session—that such a law would be injurious both to their majesties' revenue and to the interests of the people of the Colony. They also refused to make any effort to revise and pass, in accordance with suggestions, the act in reference to manufactures or the port act. They evidently cared little about the former of these acts and had become weary of the strife stirred up in the Colony in connection with the latter. From their position on no one of these subjects could they be moved by the appeals of the Council. Beneath the statements made in the communications of the House to the governor and to the Council,

¹²⁸ See pp. 473, 474, 475, 476, 477.

¹²⁹ For the address of the House in answer to the governor's opening speech, see pp. 470, 471.

the House evidently had a feeling, which they did not think it politic to express, that the General Assembly of the Colony could get along better with fewer suggestions from the outside.

This feeling probably had its influence, too, in their refusal to vote any assistance to *New York*, a matter which came up again at this session. On the second of *November* the governor informed the House that he had in *April* received her majesty's commands, dated *October 11*, 1692, to render assistance to the governor of *New York*, on application of the latter, in his difficulties with the *French* and *Indians*, and that, having received the application some time before, he had, by the advice of the Council, sent £600, and had also sent Captain *Miles Cary* to *New York* to adjust the matter of a quota of men. Captain *Cary* had now returned, and he reported that the quota could not be adjusted since other commissioners had failed to go to *New York*, but he had brought another letter from the governor of *New York* describing the dangers of the situation and asking for further assistance. The governor recommended this matter to the consideration of the House, taking care to send without further ado all the papers he had bearing on the subject, including the queen's letter of *October 11*, 1692. But the House could not be prevailed upon to do anything, their reasons being set forth in a strong address to the governor on *November 8*—written by *William Fitzhugh*—the main one being probably their disbelief in the urgency of the need. Nor would they even allow Captain *Cary's* reward for services rendered on the trip to appear as an item in the book of claims, holding that it should come out of "the revenue." Their message to the Council on the subject¹²⁰ gives a clear idea as to the nature of the services that should, in the opinion of the House, be paid from that fund. The House knew that "the revenue," if properly collected and managed, ought to be sufficiently large to meet all the ordinary expenses of government and to have left enough to pay all contingent expenses, and even to make advances in case of extreme necessity to neighbors overtaken by calamity, as had already been done to the extent of £600 in the present case.

By the time of the convening of this Assembly the Rev. *James Blair* had returned from *England*, bringing with him the charter for *William and Mary College*. It remained for the Assembly to select a site for the institution and make provision for its erection and maintenance. These objects were effected by the passage of the two laws, entitled "An act ascertaining the place for erecting the College of *William and Mary* in *Virginia*" and "An act laying an imposition upon skins and furs for the better support of the Colledge of *William and Mary* in *Virginia*."¹²¹ The Rev. Mr. *Blair* was liberally rewarded for the successful efforts he had put forth in *England*, where he had secured not only the charter but many substantial gifts for the college. There was no suggestion that his reward be paid out of "the revenue."

¹²⁰ See p. 488.

¹²¹ *Hening*, III, 122-124.

EDITOR'S NOTE.

Pages 3-118 of this Volume contain such Orders of the Grand Assembly, Minutes of Proceedings (or Journals), Addresses, and other Papers—including Communications to the Assembly—as are extant and have been discovered for the Sessions held in the period embraced between *March* 13, 1659/60, and *June* 8, 1680.

ORDERS OF A GRAND ASSEMBLIE.

Held att *James Cittie*, March 13th, 1659/60. Sir *William Berkeley*, Kn't. Governour and Capt. Generall of *Virginia*.
Mr. *Theoderick Bland*, Speaker.

ORDERED that the port-charges and castle duties of all shippes arriveing and lading in any the ports or rivers within the jurisdiction of *Virginia* shall be paid to the honourable Sir *William Berkeley*, Knight, Governour and Captain Generall of of *Virginia*, att the severall places and to the severall persons by him appointed to receive the same, And it is further ordered, That all such ships as have arrived in any part of this countrey since the decease of the right late honourable the Governour, Coll. *Samuell Mathewes*, In case they have not alreadie paid the said port-charges and castle-duties forthwith make payment of the same to the said honourable Sir *Wm. Berkeley*, kn't. or his order, And in case any shippes have gone out of the country without payment made as aforesaid, It is then ordered, That imediately after their next returne into the countrey payment may be made accordingly for the vse aforesaid, According to act of Assembly in that case provided, And all persons that by vertue of any power now or formerly granted them have received the said port-charges and castle-duties are hereby ordered to make present payment of what they have foe received vnto the said honourable Sir *William Berkeley* or his order.

Ordered, That the declaration alreadie drawne vp and read in the House demonstrating the reasons and grounds of the Assemblies assumeing the power of the government be forthwith proclaimed and published, And the declaration recorded.

Whereas, the honourable Sir *William Berkeley* desired the advice of the late Councill and their concurrence in his acceptance of the government, It is ordered, That he have the free liberty of treating with them, And that his letter and their subscription approving his election be recorded.

Ordered, That the declaration of Sir *William Berkeley*, Kn't. to be governour and Capt. Generall of *Virginia*, and to enjoy the obedience of the people be forthwith proclaimed by the high sherriff of *James Citty County* and the declaration to be recorded.

Ordered, That *Collonell Manwaring Hamond*, according to the desire of Sir *William Berkeley*, Kn't. Governour and Capt. Generall of *Virginia*, be constituted, authorized and made Major Generall of *Virginia*.

Ordered, That *John Johnson*, millright, being a *Dutchman* be for the encouragement of other artificers of what nation soever admitted to be a denizen of *Virginia*, he haveing been resident here much longer then the act for denizens requires, And intending according to the tenor thereof to make this the place of his future residence, Therefore vpon oath taken according to act, his letters of denization are ordered to issue forth.

Whereas *Richard Bushrod* exhibiting a petition against *Thomas Brereton* about a parcell of land in *Potomack River*, which land the said *Bushrod* pretends the said *Brereton* surreptitioussly procured order to pattennt, he is referred to take his course against the said *Brereton* at the comon law, this petition extrajudicially brought into the Assembly.

Whereas severall parishes have exhibited to this Assembly their complaints against the sherriffes of the county for refuseing to take notice or make returne of the Burgeesses by them elected, Whereby their priviledges graunted them by the law have been infringed, It is therefore ordered that no sherriff for the future vpon the desire of the vestry to have a parochial Burgeesse manifested to him shall refuse to convene the people

at

at a certaine time and convenient place, And be there present to take off their election and accordingly to returne their Burgesse.

Ordered, That the comittee for auditing the accompts of the collectors of two shilling *per* hhd. be impowered to examine wittnesses, administer oathes, and all other legall meanes to vie, whereby the truth of the said accompts may be the more certainly manifested.

Ordered, That the honourable Sir *Wm. Berkeley* may at his pleasure elect & swear one person to be of the Councell of State, *Provided* he be no member of this House.

Ordered, That the honourable Sir *William Berkeley*, Knight, shall be allowed for his support of the government besides castle-duties and lycences, seaven hundred pounds sterling out of the imposition of the two shillings *per* hoghead and fifty thousand pounds of tobacco out of the levy, And the customes of all *Dutch* vessells tradeing hither from the *Manados*¹ if any such come.

Whereas there are severall actions entred against the executors of the estate of *Samuell Mathewes*, Esq. deceased to the county court of *James Cittie*, Which actions the executors have desired might be heard before the Governour and Council, *It is accordingly ordered*, That all the said suites shall be heard on the sixth day of the next quarter court, *Provided* the executors give notice to the severall creditors that they may then and not before attend to prosecute.

Ordered, That *Robert Lawrence* according to his petition have a writt of ease granted him from his future officiateing as a comissioner in the county of *Nanzemund*.

Ordered, That *John Beauchamp*, merchant, be permitted to carry his Indian boy into *England*, *Provided* that at the county court in *Charles Cittie* Countie he make it appeare that he hath the consent of the said Indian boy's parents foe to doe.

Whereas the king of *Weanoak* hath shewed that by reason of many disadvantageous bargaines, made with the *English* his debts are at present greater then his abillities to pay, foe that he hath by his *English* creditors bin imprisoned whereby much detriment hath accrewed to the publique, *It is according to his petition wherein he offers security ordered* that a protection be granted him against all arrefts for any action of debt vntill the first of *March* next, of which all sherriffes and their deputies are required to take notice and commanded not to serve any writt or warrant vpon him, before the said first of *March* as they will answer the contempt at their perill.

Whereas the many important favours and services rendered to the countrey of *Virginia* by the noble family of the *West*, predeceffors to Mr. *John West*, their now only survivor, claim at least that a gratefull remembrance of their former merriits be still continued to their survivor, *It is ordered*, That the levies of the said master *West* and his family be remitted, and that he be exempted from payment thereof during life.

It is agreed upon in the House, That the nomination and choice of the severall collectors of the imposition of two and tenn shillings *per* hhd. of tobacco be wholly referred to the consideration of the honourable Sir *William Berkeley*, Knight.

Ordered, That according to the desire of the honourable Sir *William Berkeley*, Coll. *William Claiborne* bee confirmed in the office of Secretarie of State.

Ordered, That Coll. *Thomas Swann* pay thirty four pounds six shillings and nine pence being the balance of his accompt of collection for the vie of the publique to such person or persons as the Assemblie shall appointe.

Whereas it hath been formerly granted by act of Assemblie in one thousand six hundred fourty and one, And by order of Assembly in one thousand six hundred fifty and two, for encouragement of discoverers to the westward and southward of this countrey, granting all profitts arising thereby for fourteen yeeres, *It is by this Assembly ordered*, That Mr. *Francis Hamond* and his associates either joyntly or severally may discover, And shall enjoy such benefitts, profitts & trades for fourteen yeeres as he or they have found or shall find out in places where no *English* ever have been or discovered

1. A town and a province in Celebes. Usually spelled "Menado."

covered or have had perticular trade, And to take vp such lands by pattents (proving their rights) as they shall think good, not excluding others after their choice (from taking vp lands and planting in thofe now new difcovered places as in *Virginia* now is vted,) But wholly from the trade during the faid fourteen yeeres, that being wholly appropriated to the faid *Francis Hamond* and his affociates.

Whereas a fuite hath long depended between *Mr. Miles Cary* and *Mr. John Brewer*, proprietor of land in *Stanley Hundred* and *Mr. John Harlowe* about fiftie acres of land given by order of the Governour and counsell in the yeare one thoufand fix hundred thirty-one, for a com'on vnto the inhabitants of the faid *Stanly Hundred* which grant of the Governour and Councell appearing valid by the Grand Charter exhibitted to the comittee, *It is therefore ordered*, That the faid fifty acres be confirmed to the faid inhabitants of *Stanly Hundred* according to the grant, And that the pattent for the fame granted to *Mr. Harlowe* be made void and null.

Whereas John Hope, lately of *New-Kent*, died intefstate, and at the time of his death, was poffeffed of a certain dividend of land to which no heire as yet hath appeared to make claime, And *John Barber*, adminiftrator of the faid *Hope's* eftate haveing ftill affets in his hands, And the county of *New-Kent* haveing paid above two thoufand pounds of tobacco for accompt of the faid *Hope's* debt, *It is therefore ordered*, that the faid land remain in the poffeffion of the comiffioners of the faid county of *New-Kent* for the vfe of the county vntil an heire appeare.

Whereas Edward Prefcott on the third day of *December* in the year one thoufand fix hundred fifty and nine obtained an order of the quarter court againft *William Andrewes* for four hundred and feaventie pound fterling, *It is ordered*, That a fuperfedeas be granted to the faid *Andrewes* to make ftay of execution vpon the faid order, *Provided* the faid *Andrewes* give notice to the faid *Prefcott* that the cafe is to be reheard the fixth day of the next quarter court, And that he give good fecurity for payment of the damages that the faid *Prefcott* may fuftaine by reafon of the faid ftoppage of proceedings in cafe the faid *Andrewes* be caft in the fuite.

Whereas Mr. Theodorick Bland petitioned this Affembly for damages in a cafe wherein he had judgment the laft Affembly againft *Mr. William Dromond* who was attornie of the Coheires of *Baffe*, *It is ordered*, That the faid *Dromond* pay vnto the faid *Bland* two thoufand five hundred pounds of tobacco damages according to act als. execution.

Ordered, That two thoufand pounds of tobacco be paid vnto *Mr. Phillip Mallary* for his officiateing at the two laft Affemblies out of the levy in *Yorke* county.

Ordered, That *Mr. Peter Lansdale* and *Mr. Phillip Mallory* be defired to preach at *James towne* the next Affembly.

Ordered, That the appointment of the collectors for gathering the impofition of two fhillings *per* hogfhead be wholly referred to the honourable *Sir William Berkeley*.

The widow *Hudfon* extrajudicially bringing into the Affembly a petition againft *Collonel William Clayborne* is referred to take her courfe at the comon lawe.

Whereas it appeares that there was levied for *Sir William Berkeley* vpon the county of *Lancaster* (which then included the whole river of *Rappahannock*) twelve thoufand fix hundred pounds of tobacco, And vpon the county of *Northumberland*, including then the whole fide of river of *Potomak* in *Virginia*, twenty-one thoufand eight hundred eighty-eight, And that there was more due to the faid *Sir William Berkeley* ten pound *per* pole for corne to have been paid by the then tithables, *It is ordered*, That in cafe the comiffioners of the faid counties or rivers haveing power by fpecial warrant to caufe the then collectors to bring in their accompts, do not by the tenth of *October* next make it appeare to the Governour and Councell, That the faid tobaccos have been paid to the faid *Sir William Berkeley* or his order, That then the faid comiffioners take courfe to levie the fame vpon the perfons delinquent or elfe make fatisfaction of the premiffes als. execution.

Ordered,

Ordered, That none of the transactions of the last Assembly bee at all disputed of this session.

Ordered, That in case Mr. *John Harlowe* cleare himselfe of the objections now made against him he shall be restored to his former place in the commission, but vntill then he stand suspended.

Ordered, that the orders of Assembly permitting the commissioners of the *Ile of Wight* county to keep two courts, bee reversed, made void and null, and that they keep only one court, and that to be held at the vsual place as before the courts were devided.

It is unanimously agreed vpon by the Burgeesses that they will not claime the privilege of a Burgesse, Exempting them from arrests, during the time of the adjournment of this present session: But that they will be ten dayes after the expiration of this session subject to arrests, Judgment and execution against their estates but the persons to be still free.

Ordered, That vpon an authentique power legally attested from alderman *Jackson* and alderman *Browne* of *Bristol* produced to the comittee for proportioning the levy they shall be authorized to make payment to their said attorney of twenty-two thousand six hundred eighty-one pounds of tobaccoe, He givinge them a sufficient discharge to acquit the country from any further claims.

Ordered, That seaventy one thousand five hundred pounds of tobacco the same allowance of the souldiers that were carried over to *Accomack* be also paid to the inhabitants of *Accomack* for the full charge of all the late warr, *Provided* that twenty-two thousand six hundred eighty-one pound of tobacco be deducted out of the same, It being paid for a debt long since due from the said county to the publique.

Ordered, That the Secretarie issue forth all fumons for Assemblies *ex officio*, And that sherriffs fumon all persons to bring in accompts of orphants estates, And the clerkes of county courts register the said accompts *ex officio*.

Ordered, That the sherriffes of the severall counties returne the list of their severall tithables, into the Secretaries office by the first of *September* next, And that the Governour and Councell proportion the levy made this session, And enquire what sherriff have been delinquent in returning the writts for the Burgeesses and fine each offending sherriffe six hundred pounds of tobacco.

ATT A GRAND ASSEMBLIE

Held att *James Cittie* in *Virginia* the 11th of *October* 1660:
These orders following were made in the Government of
The Right Hon. Sir *Wm. Berkeley* his Majesties Governor.
Mr. *Theodorick Bland* Speaker.

ORDERED, That in consideration of the castle duties which by the last Assembly was granted to the right Hon. the Governour are returned to Coll. *Morrison*, to whom of right they belong that his honour be allowed sixty thousand pounds of tobacco this year out of the publique levy in leiu thereof.

Ordered, That the commissioners of *Nanzemun* examine the buisnes of *John Linge*, and in case the said *Linge* be unpaid the whole or any part of what is ordered out of that county, that then they take care to see him satisfied forthwith, otherwise execution to issue against the commissioners according to act of Assembly.

Ordered, That the commissioners of *Rappahannock* county have power to levie the arrears due to the right Hon. Sir *William Berkeley* upon the said county and take a speciall care for the payment *alias* execution &c.

Ordered, That the commissioners of both counties of *Potomacke* have the same power as the commissioners of *Rappahannock* concerning the arrears of the right Hon. Sir *William Berkeley*.

Ordered, That a bushell of eares *per* pole be paid to the right honourable the Governour, by all the inhabitants of the country that are tithable and that for the better payment of the same the commissioners appoint two persons in each parish, to looke after the collection of it, and the people to bring the corne to such convenient places for boating as they shall appoint, and that it be readie by the last of *January* or sooner if the right honourable the Governour shall think fitt, and the said collectors having soe collected the corne and given notice to Sir *William* that the same is in convenient and secure places the said countys shall be discharged.

Ordered, That Coll. *Carter* vpon his oath declare the whole truth that passed between him and Coll. *Claiborne* at the Assembly in 53 or 54 concerning makeing an act of non-address to the right Honourable Sir *William Berkeley*.

Ordered, That Major Gennerall *Hammond* have eleaven thousand pounds of tobacco allowed him out of the publique levie this yeare, & eleaven thousand pounds of tobacco the next as being imployed by the right honourable the Governour and countrey in the address to his Majestie for a pardon for the inhabitants of the countrey.

Whereas, certain differences have long depended between Coll. *Guy Molfworth* and the country and it hath bin proposed by the said Coll. *Molfworth* to put a period to the same for six thousand six hundred pounds of tobacco and it was assented to by the house, *it is therefore ordered* that 6600 pounds of tobacco be paid him this yeare out of the levy.

Ordered That Sir *Henry Moody* bee imployed in an embasse by the right honourable the Governour to the *Manados* about the affaires of the countrey shall have eleaven thousand pounds of tobacco out of the levie this yeare as a gratuity for his paines therein.

Ordered That Collonel *Guy Molfworth* have eleaven thousand pounds of tobacco allowed him out of the publique levie this yeare and eleaven thousand the next as being employed by the right honourable the Governor and country in the address to his sacred Majestie.

Ordered That *Jenkin Price* for some important service rendered in the preservation of severall persons among the Indians shall receive of the publique to be paid him out of
the

the levie the next yeare, ffive thousand pounds of tobacco, which shall be tendered to his creditors as part of his estate, and his goods shall according to act of assembly redeem his person.

Ordered That by reason of the vnconcionable rates, smiths do exact on the inhabitants of this countrey for their worke, that the countie courts have power to regulate their accompts.

Ordered that the horse way over *Powatan* swamp to *James-Cittie* be at Mr. *Hunts* mill and that he be allowed out of the levie next yeare ffive thousand, ffive hundred pounds of tobacco for repairing and maintaining the same for eight yeares except the county of *James-Cittie* before the tenth of *ffebuary* will vndertake the same on the same tearmes.

Ordered That Maj. Genll. *Hammond* and tenn persons be this yeare exempted out of the levy.

Ordered That after the collectors have satisfied the right honourable the Governour the seaven hundred pounds allowed him out of the two and ten shillings *per* hogthead that the collectors pay the rest of the creditors and give an accompt to the next Asssemblye.

Ordered That *Thomas Hunt* have three thousand ffive hundred pounds of tobacco allowed him out of the levye for the vse of his house the Asssembly sitting there.

Ordered That Mr. *Woodhouse* have ffour thousand pounds of tobacco allowed him out of the levye the next yeare, for the Governor and Councell sitting att his house.

Ordered that *Daniel Dawen* for his experiment of salte have his charges defrayed in towne out of the publike levie and bee exempted out of the *Accomacke* levie also.

Ordered That the pafs granted to *Nicholas Perry* by the governour bee assented to by the house who discharge the governour of his obligation, And further ordered that the creditors of the said *Perry* appeare next *Charles Cittie* county court to make their debts appeare and receive such payment as the said *Perrys* estate will afforde.

It is the request of the house that the right Hon. Sir *William Berkeley* would take into his care the building of a state-house and what agreements he shall make, or shall be by his order expended for the same, *it is ordered* to bee paid out of the publike levie, and to bee raised by act of Asssemblye.

Ordered that Mr. *Randolph* draw vpp the accompts of the collectors of the two shillings *per* hogthead, and the arrears of the creditors and present them to the governour that the collectors may satisfie the same according to his order.

Ordered That all the quarter courts amercements of ffiftie pounds of tabaccoe *per* cause ffrom the last asssembly till the last of *March* next be paid to Coll. *Morrison* for severall services and remittance of arrearages to the country, and that the clarke issue out accompts thereof to the severall sheriffs to collect the same for him.

Ordered That the honourable the governour have power to presse tenne men of the ordinarie sort of people, allowing each man two thousand pounds of tobacco *per annum* for their services and to employ them toward the building of a state-house.

Ordered That Mr. *Richard Bland* be added to the commission of *Elizabeth cittie*, Captain *ffrancis Gray*, to the commission of *Charles Cittie*, Mr. *John Vnderhill* to the commission of *Yorke* in the place of Mr. *ffelgate*.

Whereas the Indians of *Accomacke* have complained that they are very much straitened for want of land, and that the *English* feat so neare them, that they receive very much damage in their corne, *It is ordered* that the right honourable the governour give commission to two or three gentlemen with a surveyor living on this side the bay (that have no relation to *Accomack*,) to go over thither, and lay out such a proportion of land for the said Indians as shall be sufficient for their maintenance with hunting and fishing excluded, And that the land soe laid out to be so secured to the Indians that they may have no power to alienate it, or any part of it hereafter to the *English*.

Whereas the acknowledgment of the land of the *Wiccocomoco* Indians to Coll. *Mathewes* appeares vpon record, but not how justly acquired nor whether voluntary or not, *It is ordered* by that a consideration of ffiftie pounds vallew, bee proffered to the
Indians

Indians for the said land by the guardians of the Coll. *Mathewes* his heire, which shall be at their free election to accept or refuse, & if accepted, the land to be confirmed by rights & patts to the said heire, But if now refused, and the Indians shall hereafter desert the said lands then Coll. *Mathewes* his heire shall re-enter by virtue of his former grant, (any future alienation of the Indians to any other person hereafter notwithstanding) and enjoy the said land as his own forever; But in case of the disbursement of the money and the death of the said heire before he come to age then the guardians disbursing the aforesaid summe as joynt purchasers possess the land to them and their heires forever; And of the value of the goods, and of the Indians acceptance or refusal the governour and councill to be judges.

Whereas the committee hath reported that Coll. *fantleroy* hath from the Indians a conveyance of his land, and an acknowledgment made by them, but not according to act, and that this conveyance hath reference to a former deede whereby it is pretended by Coll. *fantleroy* that it evidently appeared hee had made the Indians satisfaction but neither the deed nor evidence appeareing, and Coll. *fantleroy* petitioning for a reference, vpon pretence of further evidence, *it is ordered* that a reference be granted him till the next assembly, that in the meane time Coll. *Carter* acquaint the Indians what care the assembly take to preserve their rights, and that the said Coll. *Carter* bee empowered in the said Indians behalfe to prosecute their cause the next assembly.

Whereas the placing of two distinct collectors in one river by reason off several shippes ladinge in divers places carries with it severall inconveniences *It is ordered* that Mr. *Theodorus Bland* and Mr. *Henry Soane* Collectors of the imposition of two and tenne shillings *per* hoghead be joyned in one commission and the profits to be equally divided.

Ordered That *Edward Prescott* pay vnto Coll. *William Kendall* late collector of the two shillings *per* hoghead in *Accomack* thirty two shillings being the duty of sixteen hogheads acknowledged by the said *Prescott* to have bin received aboard his Catch for accompt of Mr. *Richard Wright*.

Ordered That *Edward Prescott* for severall scandalous mutinous and seditious words vttered against this Assembly be committed to the custody of the sherriffe vntill further order from the governour and councill, and that he be suspended from his place in the commission.

Ordered That Mr. *John Pate*, Mr. *Anthony Savage* and Mr. *William Howard* be added to the commission of *Gloster* county.

Ordered That Mr. *Thomas Taylor* bee added to the commission of *Nansemon*.

Ordered That Mr. *Thomas Davis* be exempted and dismist out of the commission of *Nansemon*.

Whereas *John Powell* hath complained of damages done to him by the Indians *it is ordered* that the commissioners of the county of *Northumberland* inquire into the said damages, and if vpon sufficient prooffe, they find any which are considerable the said commissioners are ordered to award satisfaction and to give notice to the cheife man or men among those Indians that if they do not comply with the said award, then soe many off them as the court shall thinke fitt shall be apprehended and sold into a florraine cuntry to satisfie the award and vpon the Indians refusal to pay what is awarded the governour and councill are desired and authorized to cause some of those Indians to be apprehended and to bee accordingly disposed of, if they find it necessarie.

Ordered That the comission of Captain *Peter Ashton* for the collection of two and tenn shillings *per* hoghead do extend as farre as *Northumberland* county.

Whereas it hath bin enacted that everie master of shipp or vessel should enter into two thousand bond with securitie for performance of such things as by the lawes of the cuntry are enjoyned them, which being too greate a summe for small vessells, *it is ordered* that the severall summes in which they are to be bound be left to the discretion of the collectors who are to take the bond.

Ordered That there be added to the comission of *Westmoreland* county Mr. *John Lord* Mr. *John* Mr. *John Vauhan* Mr. *Andrew Monroe*, Mr. *Roger Parfitt* and Mr. *Nathaniel Jones*.

Ordered

Ordered That Edward Bowman be difmift out of the comiffion of lower Norfolke.

Whereas Nicholas Boate hath petitioned for confirmation of his denization in Virginia
The governour councell and burgefles have ordered that if he with his family fhall constantly refide in *Virginia* two years, and afterwards continue to make this his place of refidence, that then after the faid two years expired he fhall be admitted to enjoy all the priviledges an *Englifhman* enjoyes in *Virginia*.

**Ordered That the Publique Levie of fifty fix pounds of Tobacco per Pole raifed this Affembly be paid by the feveral Counties.*

* This order is not given in *Hening*. It is found in the Publc Record Office, *London*, Colonial Office, Clafs 5, Vol. 1376.

ATT A GRAND ASSEMBLIE

Held att *James Cittie* in *Virginia* the 23rd of *March* 1660/1
these orders ffollowing were made in the Government of
the Right Hon. Sir *Wm. Berkeley* his Majesties Governour.
Mr. Henry Soanes Speaker.

ORDERED That *Martin Baker* high fheriff of *New Kent* for his vndue proceeding
in the election of the Burgeffes of the faid county, to the end it may serve as
an example to make others more carefull in the due execution of their places
be fined five hundred pounds of tobaccoe and pay costs.

Upon the petition of *Harquip* the Mangai of the *Chickahomini* Indians to have all
the lands from *Mr. Malorys* bounds to the head of *Mattaponi* river & into the woods to
the *Pamaunkes* It is accordingly ordered that the faid land be confirmed to the faid Indians
by pattent, and that no *Englishman* shall upon any pretence disturbe them in their faid
bounds nor purchase it of them unles the major part of the great men shall freely and
voluntarily declare their consent in the quarter court or assembly.

Whereas *Mr. Phillip Mallory* hath been eminently faithfull in the ministry and very
diligent in endeavouring the advancement of all those meanes that might conduce to the
advancement of religion in this country, It is ordered that he be desired to undertake
the foliciting our church affaires in *England*, & that there be paid him as a gratuity for
the many paines he hath allreadie and hereafter is like to take about the countreys
buifness the fume of eleaven thoufand pounds of tobacco, to be paid in the next levy.

Ordered That *Collonel Francis Morrison* and *Henry Randolph* clerke of the assembly
review all the acts, peruse the records, give dates to the severall acts, from the first time
of their being in force and present a draught of them with fuch alterations and marked
amendments as they shall find necessary to the next assembly, and that there be paid
them for their paines ffifteen thoufand pounds of tobacco out of the next levy.

Whereas *Nicholas Boot* had his denization granted him by the assembly in *March*
1658, and hath now petitioned that the fame may bee renewed in his majesties name,
It is accordingly ordered that he shall have his pattent renewed provided he take the
oaths of allegiance and supremacy.

Whereas a certaine grant hath been made to the *Chickahomini* Indians of certaine
lands in which tract Major *Gennerall Manwaring Hamond* claimeth a devident of two
thoufand acres granted him by pattent, It is ordered, that the faid Major *Gennerall*
Hamond be desired to purchase the fame of the Indians or to procure their consent for
the preservation of the countreys honour and reputation.

Whereas there hath been a gennerall complaint made by master of shippes that wee
had neither pilotte nor beacons to direct them in their bringing their shippes upwards
It is ordered that capt. *William Oewin* bee made cheife pilott of *James* river and that
for his encouragement therein he shall be paid for the pillotage of all vessells above
eighty tunnes ffive pounds sterling if he be employed and if not employed fourty shillings
And every master of a ship or vessel that shall anchor within *Point Comfort* having or
not haveing a pilott to pay thirty shillings to the faid pilott for beaconage, And it is
further ordered that the faid pilott shall make place and maintaine good and sufficient
beacons in all necessary places from *Willoughbies Shole* including the whole Shole to
James Cittie, and all fuch beacons afterwards loft, removed or wanting repaire to be
renewed or repaired within ffifteen days by the faid pilott.

Ordered

Ordered That the order of the quarter court of the 27th of *March* 1661 prohibiting *Roger Partridge* and *Elizabeth* his wife to keep any maid servant for the tearme of three yeares be by this assembly ratified and confirmed.

Whereas a proposition relating to the prevention of servants and other idlers running away in troops by a purfuit made at the charge of the county, hath reference chiefly to the county of *Glocester* *It is ordered* that the said county court have power for that county to make such lawes as shall be from time to time found necessary and convenient for prevention purfuit or recovering of any such runaways.

Upon examination of the difference betweene Coll. *Fantleroy* and the Indians it appearing that Coll. *Fantleroy* had a conveyance of the said land from the Indians and had given them some recompence though not full satisfaction for the same, and it being manifest that the Indians are no way capable of making him satisfaction for his building and cleering *It is ordered* by this grand assembly that the said land shall remain and bee confirmed to the Coll. *Fantleroy* and his heires forever, he paying unto Mr. *Mathew Kempe* for the use of those Indians thirty Matchcoates of two yards a peice whereof one to the king handsomely trimmed with copper lace.

Whereas Mr. *John Harlowe* hath had two judgements (whereof one by a verdict of a jury) passed against him for planting tobaccoe after the day appointed by act, and the said *Harlowe* pleading his sacred majesties pardon, the house conceiding his majesties pardon not to extend to any business of that nature, have yet in consideration of the small quantity of tobaccoe soe planted thought him a fitt object for their clemency and therefore remitted that part of the fine that belongs to the publique and left him to make his composition with the informer either for present satisfaction or for good security to pay him next crop.

Whereas Mrs. *Phoebe Smith* administratrix of the estate of Lieutenant Coll. *Toby Smith* hath by pretence of a bond found invalid both because the deed was not recorded but chiefly in regard the condition is for articles not here expressed deteyned the said estate from her husbands creditors, but haveing by her illegall proceedings therein as appraifeing the estate without swearing appraisers and haveing made such waft as a writt of *devastavit* may justly ly against her *It is ordered* that she pay unto *John Whitty* ffour thousand eight hundred ffourty one pounds of tobaccoe, and caske and eightie six pounds sixteen shillings six pence in money, for so much found due to the said *Whitty* from her said husband *Toby Smith*, and in case that neither the estate of the said Lieut. Coll. *Smith*, nor the proper estate of the said *Phoebe Smith* will satisfy the premises, then capt. *Whitty* to take his remedie against the security for her administration and in case of noe security or insufficient then to take his remedy against the commissioners who granted her that commission.

For the supply of an able and orthodox ministry in such parishes of *Virginia* which are destitute of ministers, *It is ordered by this present Grand Assembly* that the vestryes of the severall parishes soe destitute doe subscribe and procure from the severall other inhabitants such subscriptions as they shall be willing to make towards the support and maintenance of such ministers in their severall parishes.

Whereas for the advancement of learning, promoting piety & provision of an able & succeffive ministry in this country, it hath been thought fitt that a colledge of students of the liberall arts and sciences be erected and maintayned In pursuance whereof the right honourable his majesties governour, council of state, and burgeses of the present grand assembly have severally subscribed severall considerable sumes of money and quantites of tobacco (out of their charity and devotion) to be paid to the honourable Grand Assembly or such treasurer or treasurers as they shall now or their succeffors hereafter at any time appoint upon demand after a place is provided and built upon for that intent and purpose, *It is ordered* that the commissioners of the severall county courts do att the next followinge court in their severall countys subscribe such sumes of money & tobaccoe towards the furthering and promoting the said persons and necessary worke to be paid by them or their heires, as they shall think fitt, and that they alsoe

take

take the subscriptions of such other persons at the said courts who shall be willing to contribute towards the same And that after such subscriptions taken they send orders to the vestries of the severall parishes in their severall countys for the subscriptions of such inhabitants and others who have not already subscribed and that the same be returned to *Francis Morrison Esquire*.

Whereas the present grand assembly taking into serious consideration the great charge brought yearly upon the country and the severall inhabitants by want of a State house for the Right Honourable the Governour and councill to keep courts and future Grand Assemblies to meet in and consult of the weighty affaires of the country have thought fitt that a State house be erected & built & that the same will be less burthensome by a free and charitable subscription then by a generall leavie, In pursuance whereof the right honourable governour councill and burgeses of this present grand assembly have voluntarily subscribed severall considerable summes and quantities of money and tobacco to be paid by them or their heirs at the next crop to such person or persons as shall be appointed *It is ordered* that the commissioners of the severall county courts subscribe and take such subscriptions as shall be willingly made and that the said severall courts send orders to the severall vestreys for the like subscriptions from the other inhabitants which subscriptions to be delivered by the said vestreys to the clarkes of the severall county courts, who are to returne them to the next quarter court.

Whereas the late assembly ordered that Coll. *Edmund Scarbrough* in case he made eight hundred bushel of salt should receive from the countrey as an encouragement tenne thousand pounds of tobaccoe, and he being now like to bring the same to perfection and to make up his quantity *It is ordered* that the tobaccoe promised him shall be raised in the next leavie and in case he performe the condition to be paid him, if not to be disposed of for some other publique use.

Whereas Mr. *Henry Soane* Speaker of this assembly hath faithfully performed the great trust imposed on him, and by that done singular service to the countrey, *It is ordered* that he be paid out of the leavie six thousand pounds of tobacco as a testimony of the countreys acceptance of his paines and their gratuity.

Ordered, That Coll. *William Claiborne* by order upon oath deliver up all the records belonging to the secretaries-office unto Mr. *Thomas Ludwell* appointed secretarie by comysion from his sacred majestie.

Whereas a complaint hath been exhibited to this assembly of the factious and schismaticall demeanors of Major *John Bond*, and the same proved by severall testimonies, *It is ordered* that as he hath shewed himselfe unfit to be continued a magistrate, soe he shall from henceforth be made incapable of any publique trust or employment.

Considering the great use and benefit the countrey may enjoy from the *Cheffkoiack* Indians being kindly used by us, and being sensible that with the few gunns they have amongst them they cannot prejudice us being a small inconsiderable nation, *It is ordered by the present Grand Assembly* to shew other Indians how kind wee are to such who are obedient to our laws that the said *Chifkoiack* Indians quietly hold and enjoy the land they are now seated upon, and have the free use of the gunns they now have, any act or order of assembly to the contrary notwithstanding.

Harquip Mangoi of the *Chickahomini* Indians in behalfe of himself and the other Indians the fourth day of *April* 1661 did acknowledge before the grand assembly the sale of a parcell of land from the cliffes to the little creek to Mr. *Phillip Mallory* being formerly surveighed by Lt. Coll. *Abrahall* and *James Cole* containing seaven hundred forty three acres according to a survey of the same made for the said Mr. *Mallory* by *George Morris* the twentieth of *June* last.

Ordered, That *Nicholas Perry* be for the present released out of prison, and that he shall not be further prosecuted until wee have notice from the governour out of *England* next yeare whether a person in condition of a lunatick be suable or no.

ATT A GRAND ASSEMBLIE,

Held at *James Cittie* in *Virginia* 23d of *March* 1661/2, these orders following were made in the government of the Honourable *Francis Moryson* Governour, and Capt. *Robert Winn* Speaker.

WHEREAS a charge of high treason and Murther was exhibited to this assembly against *Wahanganoche*, king of the *Potowmack* Indians by captain *Giles Brent*, which was referred to a committee appointed to examine the same who by their report find the said charge unjustly layd, and no part thereof sufficiently proved against the said *Wahanganoche*, it is ordered by the grand assembly that the said *Wahanganoche* shall be, and is hereby fully acquitted and discharged from the same and from every part thereof.

It is ordered by this grand assembly upon the report of the committee appointed to enquire into the differences between the *English* and Indians, that in satisfaction of the severall injuries and affronts done to *Wahanganoche* king of *Potowmeck* Indians by captain *Giles Brent*, collonel *Gerrard fflowke*, Mr. *John Lord*, and captain *George Mason*, that the said captain *Brent* pay the said *Wahanganoche* two hundred armes length of roanoake; and that collonel *fflowke*, Mr. *Lord* and captain *Mason* pay him one hundred armes length a peece, or that they pay and deliver him presently Matchcoates for the said roanoake of two armes length each, at twenty armes length every coate.

Whereas by the confession of collonel *Gerrard fflowke* to the committee appointed for examination thereof it appeares that the said *fflowke* having one of the late murtherers of the *English* delivered bound into his custody by *Wahanganoche* king of the *Potowmeck* Indians, suffered the said murtherer to escape, it is ordered by the grand assembly that for his said offence, the said collonel *fflowke* pay to the publique tenne thousand pounds of tobacco.

Whereas captain *Peter Jennings* as attorney for the kings most excellent majestie, presented to the committee, appointed for the Indian buisness for high misdemeanors and other crimes, against capt. *Giles Brent* and collonel *Gerrard fflowke*, for issuing illegall warrants and thereupon arresting, imprisoning and binding *Wahanganoche* king of *Potowmeck* Indians contrary to the honourable governors safe conducts and protections, for illegally and unjustly charging the said king with treason and murther, for those very things wherein the honourable governour and councill had before justly acquitted him, and for aspersing the honourable governour in declareing falsely that their unjust proceedings were done by his authority as by the said committees report more at large appeareth, upon which charge the said *Brent* and *fflowke* acknowledged themselves of high misdemeanors, it is therefore thought fitt and accordingly ordered by the present grand assembly that the said *Brent* and *fflowke* for their said offences pay each of them fifteen thousand pounds of tobacco to the publique, that they bee incapeable of bearing any office civil or military in this countrey and give bond severally for their good behaviour especially towards the said *Wahanganoche* and his and all other Indians, and further that captain *Brent* pay the whole charge of the witnesses and other persons concerned in his charge against the said king, and that hee and coll. *fflowke* severally pay what other charges they are concerned in.

It is ordered by the grand assembly (upon the report of the committee appointed for the Indian buisness) that Mr. *John Lord* and captain *George Mason* pay to the publique

two

two thousand pounds of tobacco a peece for their contempt of the right honourable governours warrant, unles they shew cause to the contrary at next quarter court; that they be both suspended from all civill and millitary power till they have cleered themselves from the king of *Potowmack's* charge against them and give bond with good security to such person as the honourable governour shall appoint for their good behaviour towards said king, his and all other Indians.

Whereas by the removeall of severall persons formerly entrusted with the power civil and millitary in *Westmorland* county, the commission of that county is much weakened, and the present condition of the countrey requiring uninterested persons to be intrusted therein, *it is thought fitt by the grand assembly* upon the report of the committee for the Indian business and *accordingly ordered* that *Westmorland* and *Northumberland* bee one county, and that the commission of *Northumberland* and remaining commissioners of *Westmorland* bee one county, bee one commission civil and millitary, *provided* that if the right honourable the governour shall think fitt that they still continue or hereafter shall be againe made two severall countys as formerly, then that he appoint such persons to complete *Westmorland* commission as he shall find most capeable and fitt for the same.

It is ordered by this present assembly upon the report of the committee for the Indian affaires, that collonel *Moore ffantleroy* enjoy at present no more of the land he is now seated upon then what is cleered with the houses built upon and marsh lying before it, and that he pay to the king of *Rappahannock* Indians fifteen matchcoates before he depart the towne in part of thirtie due *per* a former agreement, and the other ffifteen when the differences between him and the said Indians shall be ended by the commissioners to be appointed by the right honourable governour, *provided* they allow him ffive hundred acres of high land ground belonging to his said dividint, *Provided* if the said commissioners shall not determine the same then to be referred to the next assembly, and all other claimes of the said *ffantleroyes* to any other land of the said Indians are hereby declared void.

Whereas collonel *Moore ffantleroy* before the committee appointed for the Indian buisnes did falsely and scandalously declare that he bound the king and great men of *Rappahannock* for denying their tribute to the right honourable Sir *William Berkeley*, and endeavouring to excuse or extenuate his own fault in his said unjust proceedings against the Indians, said that the Roanoake he received of them for ransome was in satisfaction of their said tribute, and paid by him to that noble person Sir *William Berkeley* the then honourable governour. *It is ordered by the assembly*, that for the same and his other illegall proceedings the said collonel *ffantleroy* be made wholly incapeable of bearing any office or command civil or military in this country, and forthwith give bond with very good securitie for his good behaviour and civil carriage especially towards those Indians; and for prevention of the further damage the hogs of the said *ffantleroy* may do the Indians before the fence be made according to act in that case provided, *it is ordered* that collonel *ffantleroy* keep one hog-keeper, the Indians another for the present yeare.

It is ordered by this present assembly towards reparation of the great losse sustained by *Richard White* by the murder of the sonne and two servants and los of his whole estate the last summer by the Indians that he be paid tenn thousand pounds of tobacco from the publique out of the next leavie.

Upon the report of the committee appointed for the Indian affaires it appearing that the *Susquehannock* and other northern Indians, in considerable numbers frequently come to the heads of our rivers, whereby plain paths will soone be made which may prove of dangerous consequence, and alsoe affront the *English* and destroy their stocks and gett the whole trade from our neighbouring and tributary Indians; *it is ordered by this assembly* that for prevention and of other injuries to the *English* from the *Marylanders* for the future, that the honourable governour cause by proclamation a prohibition of all *Marylanders*, *English* and Indians (which they have already done to us) and of all other Indians to the Northward of *Maryland* from trucking, tradeing, bartering or dealing

dealing with any *English* or Indians to the southward of that place, and that by commission from the governour collonel *Wood* be impowered to manage the said businesse.

Whereas by the report of lieutenant collonel *John Walker* who was appointed by the honourable governour to enquire therein, it appeares that *Mrs. Mary Ludlow*, relict and executrix of lieutenant collonel *Thomas Ludlow* deceased, entrencheth upon the *Chefquiack* Indians land at *Pyanketancke*, *It is ordered by the assembly* that the said Indians enjoy their whole tract of land according to the said surveigh and that the said *Ludlows* heires enjoy the remainder of their patent, and *ffurther order* that no other person enjoying or being seated on any part pf the said Indians lands possesse the same but to be with all convenient speed removed, and the commissioners appointed by the right honourable governour to enquire into and settle all differences and disputes concerning the said Indian lands.

Whereas Wahanganoche king of the *Potowmeck* Indians acknowledged before the committee appointed for the Indian busines, the sale of that whole tract of land posselt by *Mr. Henry Mees* in *Potowmeck* according to the bounds and marked trees which he confest were marked in his presence and with his consent, *it is ordered by the assembly* that the said *Mees* enjoy the said land to him and his heires for ever.

Whereas Wahanganoche king of the *Potowmeck* Indians acknowledged before the committee for the Indians busines that he sold a parcell of land to *Mr. Peter Austin*, and hath received for the same tenne matchcoates, and also promised to lay out the said *Austins* land with marked trees, *it is ordered by the assembly* that the same being accordingly bounded, *Mr. Austin* enjoy the same to him and his heires for ever.

Upon the report of the committee appointed for settling the Indian busines, *it is ordered by the assembly* that all differences of land between collonel *Gerrard fflowke* and *Wahanganoche* king of the *Potowmeck* Indians be referred to such persons as the governour shall commiffionate therein who are fully to end and determine the same.

It is ordered by the assembly upon the report of the committee for the Indian busines that all differences of land between captain *Giles Brent* and *Wahanganoche* king of the *Potowmeck* Indians be referred to the determination of such commissioners whom the honourable governour shall appoint therein.

It is ordered by the assembly that lieutenant colonel *Goodridge* be summoned to appeare before the honourable governour and councill at next quarter court to answer the complaint of the king of the *Mattapony* Indians concerning the burning of his *English* house, and that the said Indian king have notice given him to be present.

It is ordered upon the committees report that coll. *John Carter* issue warrants for *William Johnsons* appearance at next quarter court and other persons concerned, and that there the Indian boy detained by the said *Johnson* either to be continued according to his desire among the *English* or to returne to the Indians, but appeale to be open to the said *Johnson* if he shall desire the same on their proceedings.

Mettapin a *Powhatan* Indian being sold for life time to one *Elizabeth Short* by the king of *Wainoke* Indians who had no power to sell him being of another nation, *it is ordered* that the said Indian be free, he speaking perfectly the *English* tongue and desiring baptism.

It is ordered by the assembly upon report of the committee appointed for the Indian busines that the right honourable the governour grant a commission to such uninterested persons as he shall think fitt, to enquire into and examine the severall claimes made to any part of our neighbouring Indians land, and confirme such persons who have justly invested themselves, and cause all others to remove, and that all other differences between *English* and Indians be referred to them, but that appeales be open for all persons who shall conceive themselves agreived by the said commissioners proceedings.

Upon the committees report, *it is ordered by this present grand assembly* that those excellent proposalls presented by the right honourable the governour to the assembly be all drawne into acts except the first article concerning an interstitium being very difficult to be effected.

Whereas

Whereas complaint hath been made to this assembly of the dangerousness of the passage over the great swampe over *Rappahannock* river, by means whereof not onely commerce is obstructed but the affaires of the publique retarded also; *it is therefore ordered* that the way be amended and a bridge if possible built over the same at the charge of *Glocester* and *Lancaster* countys between which it chiefly lies, and that Mr. *Henry Corbin* and major *David Cant* take care to see it effected.

Whereas seriously examining the evidences taken against *John Partridge* for severall blowes given by him to *Thomas Harris* overseer to captain *Thomas Stegg*, and calling the said *Partridge* before us to hear what he could answer in his defence, most insolently said that well he might give him the said blowes, and further replied that he would be hanged at the doore before hee would serve in giving satisfaction, *it is therefore ordered by this present grand assembly* that the sheriffe keep him in safe custody, untill the pleasure of the house be further knowne herein, for his peremptory behaviour.

It appears by two evidences in the case between captain *John Ashton* and Mr. *George Harwood*, that he the said *Harwood* hath spoken words, tending much to the dishonour of the right honourable governour *Francis Morrison* esquire, and to the diffamation and great discredit of the said captain *Ashton* by this grand assembly, *it is ordered by this grand assembly* that for his great offence in dishonouring the governour he presently aske forgiveness in open court upon his knees, and at the next court held in *Warwick* county, he aske forgiveness and acknowledge his error to captain *John Ashton* for defaming him and pay two thousand pounds of tobacco costs of suite.

The committee report in the case of *John Gundry* and *Ann Price* that they find not sufficient evidence presented for conviction of the said *Anne Price* according to lawe, nevertheless that no insolence may be encouraged, *it is therefore ordered by this grand assembly* that the court of *Elizabeth city* rehear the cause, and according as the presumptions of the offence shall appeare determine some means of punishment to the said *Ann Price* under two yeares service, and that major *Hone* and lieutenant collonel *Worlish* not to sitt att the triall hereof, but two of the adjacent commissioners of the next county in their stead.

Upon the humble submission of *John Partridge* for his peremptory language used before us, and at the request of major general *Hamond* ingageing himselfe for the said *Partridge* good behaviour is released from his comittment.

Whereas *John Milboy* petitioned the honourable governour and councill concerning false imprisonment inflicted upon him by collonel *John Stringer* and the rest of the commissioners for *Northampton* county, which petition was referred to the honourable assembly who find no cause of action, the said *Milboy* hath against the said commissioners, but his imprisonment lawfull, and through his own seeking, dangerous carriage and turbulent behaviour, *it is therefore ordered by this grand assembly* so soone as the said *Milboy* shall returne to *Northampton* county that the sherriffe of the said county take him into present custody till he give bond with sufficient security for his good behaviour, and to aske forgiveness in open court att the next court held in the said county for his greate and unjust scandalls and infamies cast on the gentlemen of that court and his disturbance in the county, and to pay all costs of suite.

In the difference between collonel *Edward Scarbrough* plaintiffe, and lieutenant collonel *Thomas Lambert*, captain *Francis Emperour*, Mr. *Edmond Beeman* and Mr. *John Porter* defendants, formerly commissioners of the county of *Lower Norfolk* referred to this grand assembly is by us found to be illegall in calling a court clandestinely summoned by them, and erroneously proceeding wherein they granted to Mr. *George Abbot* against the estate of the said collonel *Scarbrough* for seaven thousand nine hundred pounds of tobacco and caske with court charges, *it is therefore ordered by this grand assembly* that the said commissioners or either of them so giving judgment as aforesaid shall make present payment of the said sume of seaven thousand nine hundred pounds of tobacco and caske with interest and all costs of suite unto the said collonel *Scarbrough* or his assignes, and in case execution is served on one or more of the said commissioners, they to have their releife against any of the foure proportionably.

Stephen

Stephen Pettus petitioning against *Martin Baker*, late sheriffe of *New-Kent* is not found qualified to prosecute his petition, *therefore* the cause is dismist.

The committees report that the great loss and damage sustained by *Mr. William Dromond* through the injustice done by the court of *Boston* in *New England* ought to be repaired, and since the said court have returned no satisfactory answer to the letter of the honourable governour and councill of *Virginia*, wee are necessitated to find the least of ill expedients to repair the said *Mr. Dromond*, it is therefore ordered by this present grand assembly, there be seized to the value of forty pounds sterling money out of the estate of some persons relating to the said government of *Boston*, which is in consideration of wages due for such a servants time, as was illegally cleared from the said *Dromonds* employ in *New-England*, and doe accordingly order the same.

In the difference betwixt captain *Martin Palmer* and *John Profyer* who married the relict of *William Goffe* concerning one thousand acres of land granted by patent unto captain *Palmer* at *Whorecocke* swampe in the county of *Kent*, and unto *William Goffe* the sonne of *William Goffe* deceased, by a later patent, for the avoiding of all further suites and troubles the said captain *Palmer* hath before us given one halfe of the said one thousand acres of land unto *William Goffe* orphant, and to his heires for ever, reserving to himselfe after survey made thereof the first choice, and if the house now built upon the said land happen to fall in the said *Palmer*s five hundred acres of land, then the said *Profyer* to have the use of the said house, and fiftie acres of land next adjoining thereunto for three yeares next ensueing, and then to returne to captain *Palmer* or his heires, and that *Mr. George Morris* survey or divide the said land, and at the division lieutenant collonel *Abrahall* to be present, which is the request of lieut. coll. *Nathaniel Bacon* esquire in behalfe of the said *Profyer*, and this to beare record of the said division betwixt them, and each party to beare his own charges.

Whereas *Elizabeth Tudman*, alias *Perkins* hath appeared by her agent major *Theophilus Hone*, before this assembly, and there produced an instrument in writing, which upon perusal is found to be rased and obliterated in many parts, and no endorsement testified by the witneses nor publique Notary, and is by this assembly concluded void in law, at which time the said Major *Theophilus Hone*, who appeared in the behalfe of the said *Elizabeth Tudman*, alias *Perkins* containing twenty and seaven acres situate in the maine neer *James Citty*, which said twenty acres of land was by a juries verdict of the ninth of *Aprill*, one thousand sixe hundred sixtie and one, found to escheat to his majestie, and that noe heires of the said *Thomas Perkins* was existent, as more at large by the record of the said juries verdict doth appeare, whereupon the honourable *Francis Morrison* did agree and purchase of his majesties treasurers deputies the said twenty seaven acres of land formerly belonging to the said *Thomas Perkins*, and had the same granted to him and his heires, &c. as by a patent dated the sixteenth of *May* 1661, more at large doth appeare to this grand assembly who declares that the title and claime of the said *Thomas Perkins*, or any for, from, or by him or them is void, and do confirme to the honourable *Francis Morrison*, his heires, executors, administrators or assignes, the aforesaid twenty and seaven acres of land formerly belonging to the said *Thomas Perkins*, situate in the maine neere *James Citty* for ever; and do also record that the aforesaid *Theophilus Hone* who appeared in behalfe of the said *Elizabeth Tudman*, alias *Perkins* who pretended to the chattells personal of the said *Thomas Perkins*, did before us voluntarily disclaime and disowne any title or pretence to the said twenty and seaven acres of land.

Upon major *Theophilus Hone* second address on behalfe of *Elizabeth Tudman* alias *Perkins*, the assembly have againe perused the instrument of writing, and findinge no proprietie in *Thomas Perkins* senior unto the estate of his sonne *Thomas Perkins* junior, deceased, have utterly abandoned all claimes to chattells real, but for the personall estate humbly presume that administration may be granted to *Elizabeth Tudman* alias *Perkins*, in behalfe of *Thomas Perkins* upon the personall estate of *Thomas Perkins* junior

junior deceased, and have by these our instructions manuducted the case to the honourable governour and counsell for administration.

Upon the complaint of colonel *Edmond Scarburgh*, late high sherriff of *Northampton* county on his majesties behalfe against *John Alford* and *Elizabeth* his wife, *Teige Miskell*, and *William Jump* for rebellion and disobedience which this committee examining, and after a full hearing of all parties, doe report that wee find the said *John Alford* and *Elizabeth* his wife, both by sufficient testimony, their owne confession and ill behaviour before us to be rebellious and insolent persons, and guilty of wounding the said coll. *Scarburgh*, late high sherriff on the head, and *Teige Miskell* and *William Jump* disobedients, it is therefore ordered by this grand assembly for reforminge the like disorders, that the said *Alford* and *Elizabeth* his wife, with *Teige Miskell* and *William Jump* be returned by the same conduct that brought them to the county of *Northampton*, and there to be delivered to the high sherriff who is to take security of them for the good behaviour, and at the next court held for the same county, that the said *John Alford* shall receive thirtie lashes on his bare back, and *Elizabeth* his wife twentie lashes, and *Teige Miskell* and *William Jump* tenne lashes a peece, and the said *John Alford* pay all costs and charges for himselfe, wife and servants.

In the difference between major *Joseph Croshaw* and captain *Robert Ellison* concerning the bounds of *Marston* and *middle plantation*, parishes and haveing seriously weighed and examined the same, it is ordered that the bounds be continued according to an order of court in *Yorke* county held the twenty fifth of *August*, one thousand six hundred and fiftie and six.

Whereas it was ordered the last assembly that uninterested persons of the county of *Charles Cittie* should determine and fix the bounds between the two parishes of *Westover* and *Martin Brandon*, which not being yet putt into effect, it is now further ordered that captain *Robert Wynne* and captain *John Eps* order some of the neighbours to be present with them, and to settle the bounds between them and to return the report to the next assembly.

Whereas information hath been made that one *Edward Dennis* hath, without title or claime, seated himselfe in the Indian towne of *Chickahomini*; it is therefore ordered that the said honourable the governour be pleased to send his warrant for the said *Dennis*, and as he finds occasion to give order for his continuance or removall.

Whereas *William Burgh* hath been proved to live scandalously in fornication with the relict of major *John Billingsley*, it is ordered that the said *Burgh* be committed and continued in prison untill he give bond with good security, that he shall not keep company with the said *Elizabeth*, and if the said *William Burgh* shall without security given, offer to go beyond the bounds of prison, or if the said *Elizabeth* shall come to him there, then the sherriffe of *Nanzemund* by a (habeas corpus) to be removed to *James Cittie*.

Ordered that *William Burgh* for his scandall and contempt offered to the governour be fined two thousand pounds of tobacco.

Examined and compared with the original and according thereto corrected per

Peter Beverley,

Clerk of the House of Burgessees.

*Ordered That the Publique Levie of twentie five pounds of tob^o and a halfe per poll raised this Assembly be paid by the severall Counties.

* This order is not given in *Hening*. It is found in the Public Record Office, *London*, Colonial Office, Class 5, Vol. 1376.

ORDERS OF A GRAND ASSEMBLIE

Held at *James cittie Decemb^r the 2^d 1662*

ORDERED that when the flaxe seed sent by M^r *John Bland* for the Countries use shall be safely brought in That the Govern^r receive the same, and be requested to distribute the same to the severall Counties

Ordered That there be paid to the honorable *Thomas Ludwell* Esq^r Secretary of State for y^e feale of the Country by him procured at his charge the Summe of fifty pounds *Sterling* by bills of exchange out of the two shillings 7^d this yeare if the totall received will amount to soe much after other debts due by preceeding orders are satisfied, but in case the Collections of this yeare will not extend to the payment thereof either in full or in part, That then all that shall be due upon this order shall be paid by the Auditor Gen^l out of the first bills of exchange he shall receive next yeare of any of the Collectors of the said impost.

Ordered that out of the fines recovered from the Neglectors of planting their Mulberry trees there be paid to those that shall provide fifty thousand trees by the Time Limited by the Act one p^d of tobacco 7^d tree encouragement, Provided any one wanting trees to accomplish his number may before or after the time be furnished at that rate.

Ordered That the powder and Shott purchased by the Country of Coll^o *Morrison* Cap^t of the forte be deliuered by the severall Collectors of the Castle duties proportionally to the Judges of the severall Countie Courts in their severall precincts for the use of the severall Counties and upon receipt thereof, they to giue the s^d Collectors their severall discharges.

AT AN ASSEMBLY

Held at *James City* by Prorogation from the of *December*
(1662) to this 10th of *September* 1663, 15 *Caro.* 2^d, *Dei*
Gratia Magnae Britanniae Franciae et Hiberniae Regis Fidei
Defensor, &c.

MAJOR *Edward Griffith* and Mr. *Walter Childs* sent to the governor to acquaint him that the house was met, and to request him to appoint a time when the house should wait upon him to receive his honourable commands.

September 11th, 1663.

THE house called, and orders read, a committee was appointed to examine the election of burgesses newly returned.

Major *Edward Griffith* Chairman.

Captain *Robert Ellifon*,

Mr. *Walter Chiles*,

Major *Nicholas Hill*,

Capt. *Joseph Bridger*,

Mr. *William Presfly*,

Capt. *Thos. Walker*.

The oath alleagiance, supremacy and burgesse ministred to capt. *Peter Jennings*, leiut. coll. *Kendal*, Mr. *Thomas Lucas*, Mr. *John Weye*, coll. *Gerd Fowke*, Major *William Andrews*, Mr. *Devoreux Brown*, Mr. *Hugh Yeo*.

September 12th, 1663.

WHEREAS Mr. *John Hill* high sheriff of *Lower Norfolk* hath represented to the house that Mr. *John Porter*, one of the burgesses of that county was loving to the *Quakers* and stood well affected towards them, and had been at their meetings, and was so far an *anabaptist* as to be against the baptising of children, upon which representation the said *Porter* confessed himself to have and be well affected to the *Quakers*, but conceived his being at their meetings could not be proved, upon which the oaths of allegiance and supremacy were tendred to him which he refused to take; whereupon it is ordered that the said *Porter* be dismissed this house.

The house is adjourned till *Monday morning*.

Die Lunae September 13, 1663.

A COMMITTEE appointed to consider of the publick affairs.

Major *Griffith*.

Capt. *Jennings*,

Capt. *Ellifon*,

Mr. *Bridger*,

Mr. *Chiles*,

Mr. *Hamplin*,

Mr. *Lucas*.

George the Armenian having proved the making of ten pounds of wound filk it is ordered there be paid him for his encouragement in the levy according to act.

John

John Dolby procuring certificate that he had made and wove nineteen yards of woollen cloth in *North'ton* county, the assembly hath ordered him the encouragement according to act being tobacco.

John Pitte producing certificate that he had built a vessel of 28 tuns in the *Isle of Wight* county, the assembly ordered him the encouragement of accordingly.

Whereas *Mr. Theodorick Bland* hath produced an account of things sent in for the use of the country by *Mr. John Bland*. The assembly hath approved the account and ordered that 207 16 9 be paid to the said *Mr. Theodorick Bland* for the use of his brother *Mr. John Bland* out of the collections in his own hands the year, being the total sum with advance amounts to. And if any errors appear, to be rectified, and whatever the honourable governor and *Mr. Bland* have made use of to be accountable for it to the standing committee of the whole house, and whatever they have that they will not make use of that they be desired to dispose of and give an account thereof to the committee or assembly, and that a letter of thanks be written to *Mr. Bland* in *England* by *Mr. Speaker* as from the house.

Whereas colonel *Edward Hill* received of the county 27 odd money for powder and shot. It is ordered that *Mr. Speaker* be impowered and desired to call the executors of the said coll. *Hill* to account for the same and to receive the powder and shot.

Whereas there appears at present an emergent necessity for raising a guard for the governour council and assembly. It is therefore ordered that there be twenty men and an officer raised by appointment of the honorable governour to attend his person at all such times as his honour shall think fit to command them and especially at the general courts and assemblies; Provided that during the session of the assembly half the said guards shall attend upon the burgeses under the command of an officer of their appointment; and it is further ordered that there shall be raised for payment of the said guard 45,000 lb. of tobacco, vizt. for each souldier 2,000 pound, and for the officer 5,000 to be continued so long as the assembly shall find occasion.

IN conference held at *Mr. Alestons* in *Wickocomoco* in *Virginia* the 2d of *May*, 1663, by the commissioners appointed by the right honourable *Sir William Berkeley* Knt. governour and captain general of *Virginia*, on the behalf of *Virginia*, and the commissioners appointed by the honourable *Charles Calvert* Esq. lieutenant and chief governour of *Maryland* on the behalf of that province.

Whereas his majesty of *Great Brittain, France & Ireland* has taken into consideration the present necessities as well of this colony of *Virginia* as of the province of *Maryland* belonging to the Lord *Baltimore* hath by his order of the 29th of *June* 1662, commanded that commissioners be appointed for each government to meet and consult of the best means of the advancing the only comodities of those countries tobo. We the subscribed commissioners have therefore in obedience to his said majesties royal commands considered several ways of improving the said comodities and have concluded the only best way to be the lessening the great quantities now made which gluts all markets, and of many ways of lessening it, a stint of certain days of planting to be the most fit and of easiest practice, and do therefore conclude and agree.

First. That it be proposed to the respective assembly of each government that no tobacco shall be planted or sowed in either colony in the succeeding years 1664, after the 20th day of *June* upon such forfeiture and punishment as shall be thought fit by the said assemblies effectual for such restraint, and that the said restraint be continued for one year only unless the said assemblies shall think fit to continue it longer.

Secondly. It is agreed on by the commissioners aforesaid that in order to the confirmation of the above said agreements the governour of *Maryland* shall cause an assembly of that province to meet about the middle of *September*, and to send the result of the said assembly unto the governour and assembly of *Virginia* with all convenient speed they may.

And lastly, it is concluded on for the mutual satisfaction of both the said governments that the governour and council of both the said colonies shall be sworn solemnly by commissioners

missioners appointed on either side to take their oaths to do their utmost endeavours to cause the said law for stinting (if confirmed) to be duly executed according to the true intent and meaning of these propositions.

Thos. Ludwell Sec.

Richd. Lee,

John Carter,

Robert Smith,

Henry Corbyn.

Phillip Calvert,

Henry Sewall, Sec.

Edward Koydes,

Henry Courfey.

This is very earnestly recommended to the consideration of the assembly by the governor and council the 16th Sept. 1663.

Thos. Ludwell Sec.

This is by the assembly assented to and ordered to be enacted in case the *Marylanders* signify their assent by *March* court next.

Test. H. R. C. A.

Propositions humbly presented to this honourable assembly.

That the act that every debtor under execution for debt should be detained in prison until he hath paid the debt in kind be repealed, the reason is that because many times our country comodities being not alwaies ready the creditor takes the advantage of that act and forces the debtor to unreasonable compliance.

Secondly, that the act binding men to plant tobacco no longer than the tenth of *July* in every year be repealed because the people of *Maryland* have priviledge to plant as long as they please, foe they having such a priviledge and we bound up it will be a great benefit to them and a ruin to us.

That the act for planting of mulberry trees may be repealed it being very prejudicial to such as want clear grounds and are not in a capacity at present to fulfill the same without great prejudice, and it is humbly conceived that (if it be beneficial) men as they find themselves in capacity will fall upon it without constraint.

It is humbly proposed that the acts concerning hides may be enlarged to calves and deer skins so well as hides, and that a commission throughout the country may be qualyified by injunction in the act to receive all proofs that shall be presented them for detecting those persons that convey hides or skins out of the country contrary to the act and to give warrants for sumoning witneffes and order to make search for hides and skins.

Calves skins and deer skins included. any perticular justice to send a warrant for search; 3 or more one being of the quorum to take evidences.

Whereas there is thefts committed dayly on the south side of *James* river by the *Indians*; as stealing of hogs, robbing of hedges in the night, stealing tobacco and corn out of the fields, and our neighbourly *Indians* being taxed therewith, say that it is by the *Tuscarodoe* *Indians* which lie skulking about our *English* plantation and there covertly have underhand dealings with the *English* and can never be taken by reason the law prohibiting the *Indians* to come within the *English* bounds without badges doth only inflict a punishment upon the *Indians* so coming but no mulct upon the *English* for not taking such *Indians* as come in without badges, so by reason of their sinister ends the law is seldom put into execution for prevention of which mischief or peradventure a greater if not timely prevention put a stop to it, *it is humbly proposed* that if any *Indian* or *Indians* shall be found at the house of any *English* within the *English* bounds not having a badge with him or them according to law, that then the *Englishman* so entertaining such *Indian* or *Indians* pay the like value as is amerced for the *Indians* to pay, and the one half of both to the informer.

And I will thank, praise, and go on with them in the work.

Your honours most humble servant,

Edmund Scarburgh.

7br. 15th, 1663.

To

To the honourable the House of Comons.

Thomas Ludwell Sec. presenteth.

That he being enjoined by act of assembly to take care that the writts for election of Burgeffes be sent into every county that the returns may be timely made and the assembly meet according to appointment which prevents the great expence the county was formerly at, occasioned by the remifs appearance of a greateft part of the house upon pretence that they had not timely notice for fuch elections, which injunctions he hath hitherto performed, and when he fails he is liable by the faid act to fuch a fine as the house fhall please to lay upon him, and on the contrary he is to receive as a reward for his care and expence a hogfhead of tobacco weighing three hundred and fifty pounds for every county; he therefore humbly requests that the faid fum now due unto him by the faid act, and which may hereafter be fo, may be charged upon the public and not on each county; which he would not defire if he judged it unreafonable, but on the contrary it appears to him to be the fame thing to the country though it be much better for himfelf, or if any odds be, it is that fmall counties are relieved who as it is now laid do pay as much as the greateft, which if you please to grant him he fhall receive it as an efpecial favour as being,

Uour moft humble fervant

Thomas Ludwell.

Granted.

September 16, 1663.

THE house refolved into a gra. committee while fome propofitions are treated of. Since rewards for the encouragement of the good are as neceffary as punishments for the terror of the cruel.

Whether it be not fit to beftow upon *Berkenhead* the difcoverer of the horred plot fome confiderable reward for encouragement of the good affections of others to be publick.

Refolved That *Berkenhead* have his freedom and five thoufand pounds of tobacco given him in *Glofter* county and that his mafter be fatisfied in the faid county for his time.

Since the leaft mercy we receive from Gods hands challenge our dayly thanks, whether it be not fit for fo tranfcendent a favour as the preferving all we have from fo utter ruin, deferue not to have an annual folemnity celebrated to keep it in remembrance.

Refolved that the 13th of *September* be annually kept holy, being the day thofe villains intended to put the plot in execution.

Since the charge the country is yearly at for houfes for the quarter courts and assembly to fit in would in two or 3 years defray the purchafe of a ftate house.

Whether it were not more profitable to purchafe for that purpofe then continue for ever at the expence, accompanied with the difhonour of all our laws being made and our judgments given in alehoufes.

Ordered that *Peter Petterfon* be allowed for building a veffel of 26 pounds the encouragement according to act being 1,300 tobacco.

It is unanimoufly concluded and affented to by the governor and counfel that the moft equal way of paying taxes is by laying a levy upon land and not upon heads, and it is therefore propofed that [by] the governor and council unto the house of comons accordingly.

William Berkeley.

The house adjourned till to-morrow morning.

September

September 17, 1663.

SINCE the stakes of the old wars about the town are so prejudicial and dangerous to boats landing.

Whether it be not fit to order the townsmen to pull up all the stakes and not to build new ones in the face of the town.

Whether any councillor having been above a year out of the country shall have the privilege of the exemption of ten persons.

Resolved that in regard that exemption was only for such as did personally assist as councillors in the country that they who have been a twelve month out of it should have no benefit of that privilege.

The house adjourned till the afternoone.

Ordered to treat with the governor about a state house. Coll. William Barber, coll. Gerard Fowke, lieut. coll. Kendal, Mr. Thomas Warren, excused for sickness, Mr. Rawleigh Traverser, Mr. Thomas Lucas.

The order of the 2d of December 1662 is continued to the time the act is.

September 19, 1663.

THE committee appointed to examine the business of the king of *Potomack*.
Major Edward Griffith.

Capt. Peter Jennings,	Capt. Robt. Ellifon,
Mr. Joseph Bridger,	Dr. Robt. Williamfon,
Major Rich Hill,	Maj. Lem. Mafon,
Capt. Wm. Cockeram,	Major Wm. Andrews,
Capt. Wm. Ferrar,	Capt. Thos. Walker.

The house is adjourned till the afternoon.

Ordered that what member soever be absent at the beat of the third drum on *Monday* morning shall be fined a hoghead of tobacco.

The house adjourned until *Monday* morning the third drum.

The oath of Burgeffes.

You & every of you shall swear upon the holy evangelist and in the sight of God to deliver your opinion faithfully, justly, and honestly according to the best understanding and conscience for the general good and prosperity of this country and every particular member thereof, and do your utmost endeavour to prosecute that without mingling with it any particular interest of any person or persons whatsoever, so help you God and the contents of this book.

Orders to be observed in the house.

That no burgeffs shall absent himself from attendance on the house (without the leave first obtained of the house or prevented by sickness) when any matter shall be debated of, but that every member shall keep good order and give good attention to the reading or debating of whatsoever shall be proposed or presented to the consideration of the house; and that every burgeffs shall with due respect address himself to Mr. *Speaker* in a decent manner and not entertain any private discourse while the public affairs are treated off.

2. That every member of this house for each time of his absence upon call of the clerk shall forfeit twenty pounds of tobacco, lawful impediments excepted.

3. That the first time any member of this house shall be adjudged by the major part of the house to be disguised with drink, he shall forfeit one hundred pounds of tobacco, and for the second time he shall be so disguised, he shall forfeit three hundred pounds of tobacco, and for the third offence one thousand pounds of tobacco.

4. That upon debate of any thing proposed by the speaker, the party that speaketh shall

shall rise from his seat and be uncovered during the time he speaketh, wherein no interruption shall be made until he hath finished his discourse upon the penalty of one thousand pounds.

5. That no irreverence or [indigne] form of speech be uttered in the house by any person against another member of the house upon the penalty of five hundred pounds of tobacco.

6. That to the end all things may be more orderly discoursed and debated on, no member having once delivered his opinion about any matter proposed, during which time he shall not be interrupted, shall make any further reply about that proposition that time of the debate, that so every one may have liberty to declare his judgment and the confused multitude speaking at once be avoided, upon the penalty of twenty pounds of tobacco.

7. The several fines to be disposed of by the major part of the house upon every *Saturday* in the afternoone.

8. That every member that shall pipe it after the house is begun to be called over, until adjournment or publick licence by consent of the major part of the house in the vacancy from any business, shall be fined twenty pounds of tobacco.

ORDERS OF A GRAND ASSEMBLIE

Held at *James Cittie* September the 10th 1663:

WHEREAS the hon^{ble} Secretary of the Country for the time being is by act of Assembly enjoyned to send all writts and Summons for the election or returne of y^e Burgeesses to the Respective Counties and haue allowed for the Same a hh^d of Tobacco containing three hundred and fifty pounds out of each Countie, This Grand Assembly for the more convenience of the same payment thereof haue ordered that the s^d hh^d p^r County shall be paid as an entire Summe upon the publique and payment thereof be made in the publique Leuie.

Since it is Evident that the charge the Countrie is at yearly for the houses of Sessions for the Generall Courts and Assemblies, besides the dishonour of our Lawes being made and Judgments given in Ale-houses, would in two or three yeares defray the Charge of a State house, *It is Ordered*, that there be a State house built of such demensions as the honourable Govern^r who hath bin pleased to undertake it shall find Convenient for the Reception of Generall Courts and Assemblies, and accommodation of the Committees, Towards the payments whereof, that there be paid this Leuie thirty thousand pounds of Tobacco, and what ever more it shall amount to next yeare

Whereas there is allowed by the Lawes of this Country a priviledge for all Councillors, and tenne persons of their families to be exempted from the payment of Levies which was cheifly in consideration of their attendance on the Service of the Country, and the same being claimed by divers persons in *England* to the great Augmentation of publique taxes, The house takeing the same into their consideration, haue thought fitt to declare *and accordingly ordered*, that noe Councello^r who is not personally resident in this Country or that hath been a yeare absent out of the Country shall haue the benefitt of that exemption, but that their whole families here shall be giuen in, in the publiq lifts and payment made for them accordingly.

Whereas It was Customary that the masters of Shipps payd the imposition of two shillings p^r hh^d for their full Lading, upon losse of the Shipp to haue a Reallowance of the same by reason the masters had noe other securitie from the freighters from whom it was perticularly due, but his bills of lading which by his shipps not arriveing became void; But now the dutie being by his Majesties instructions to be paid by the freighters, before the goods shipped, not any wayes by lawe obliedged for the payment, *It is Ordered* that the repayment of the s^d impost shall not be allowed to any person or persons whatsoever.

Whereas there was presented to the Grand Assembly by the Jury of Inquest in *Nanzemund* Countie a list of severall persons, who contrarie to the Lawes of this Country, Some had totally absented themselves from the Church, and hearing of Divine service; Some onely neglecters to Come to Church, Some *Quakers* some that under pretence of marriage, Lived unlawfully together in fornication, the Court itselke for not ordering y^e severall Vesttries to divide the parishes into precincts, for bounding of Lands, and the vestrie of *Chuckatuck* for not swearing Churchwardens, *It is therefore Ordered* that the severall persons, Court, and Vestrie be fined soe much as the perticular acts, against breach is by them made, doe impose upon them, and That the Court of *Nanzemund* doe ascertain and issue out warrants to the Sherrieff to Collect the same this present yeare, and that the Grand Jury Sherrieff and Clerke of the s^d Countie be paid their reasonable penny worths out of those fines and that the rest be employed at the discretion of the Court for pious uses in the same Countie.

Whereas

Whereas It is Evident that the unnecessary feares of the Indians by Some perticular persons hath put the Country to an exceffive charge, *It is ordered* that each perticular River fhall in Such cafes fupport theire owne charges, A generall warr excepted.

Whereas after many Serious confiderations for building the houfes undertaken by the feverall Counties; It appeareth the equalleft and eafieft way, and moft expeditious to build them at the publique charge yearely, *It is therefore ordered* that the perticular houfes already built be paid for in the publiq Leuie, and the perticular Counties that undertook for them be difcharged and that next yeare foure houfes more be built, and foe yearly four houfes untill the number of houfes undertaken for by the Counties be accomplifhed, and then that each perticular County, haue a houfe affigned to them, and untill then the propriety to be Common, and that the Speaker bee impowered to make and Signe agreements wth any that will undertake them to build, who are to giue good Caution for the effecting thereof with good fufficient bricks, Lime and Timber, and that the fame be well wrought and after they are finifhed to bee approved of by an able Surveyor, before order be giuen them for their pay.

Ordered, That all prifoners for the future pay noe more then five pounds of Tobacco $\frac{3}{4}$ day for dyett, and all other charge and fees dureing their imprifonment

Whereas there appeares at prefent an Emergent neceffitie for raifeing a guard, for the govern^r Councill and Affembly, *It is therefore Ordered* that there be twenty men, and an Officer raifed by appointment of the honorable Govern^r to Attend his perfon, at all Such times as his hon^r fhall think fitt to Command them, and efpecially at the Gen^l Courts and Affemblies, *Provided* that dureing the Seffions of the Affembly halfe the S^d Guard fhall attend upon the Burgefles under the Command of an officer of their appointment, *And it is further Ordered*, that there be raifed for payment of the f^d Guard fortie five thoufand pounds of tobacco, viz: for each Souldier two thoufand pounds of tob^o for the Officer five thoufand pounds of tobacco to be continued foe long as the Affembly fhall finde occation.

Whereas there is an omiffion of an act of affembly provideing that many perfons poffeffed with vifible eftates in this Country by meanes thereof obtained Credit here and contracted feverall engagements, w^{ch} eftates are often times by accounts out of *England* wholly taken away, and the Country Creditts depriued of any Remedy for their juft debts which this Affembly takeing into their confiderations haue therefore for the prefent *Ordered*: That in fuch cafes all Courts fhall giue prioritie of Judgments for debts contracted in the Country, *Provided* they be claimed within twelve moneths before any forraigne Debts fhall be pleadable and that this order which at prefent cannot, may the next Affembly be paffed into an act

Whereas the hon^{ble} the Govern^r hath fhewed that in the Intervall of the Affembly there may poffibly fome emergent occation prefent, which may require the advice and affiftance of a Committee of this houfe, *It is therefore Ordered* that a Committee be appointed to treat and confult with the honnourable Govern^r and to Render an account of their refuls to the next Affembly

Whereas Cap^t Thomas Stegge hath made it evidently appeare that he hath bin at fome extraordinary charg here and in *England* in difcovering the concealments of mafters of Shippes, in their entries w^{ch} muft tend much to the advancement of the publique, *It is therefore Ordered* that he fhall be paide for fuch his good Service twenty pounds *Sterling* out of the moneys that fhall be received upon the bills of exchange by him fent for *England*

Whereas John Berkenhead Servant to Maj^r John Smith of Glocefter Countie did out of his honeft affection to the prefervation of this Country make difcovery of a bloody defigne that fome mutinous fervants had contrived, which had it not bin by Gods mercy thus unexpectedly prevented by a detection of the Principle Authors might haue brought ruine and diftruccion to this his Ma^{ties} Country, *The Affembly haue Orderea* That the S^d Berkenhead fhall haue his freedome giuen and five thoufand pounds of tob^o

to be paid him this yeare in *Gloster* County out of the publique Levie, as a reward to him for his good Service and an encouragement to others

Ordered that the publique Levie of forty nine pounds of tob^o and a halfe ⁷/₈ poll raifed this Affembly be paid by the severall Counties.

[From the Public Record Office, *London*, Colonial Office, Clafs 1, Vol. 18. This paper is not dated, but is endorsed as follows: Remonstrance of the Governor's Councill & Burgeffes of *Virginia*. Recd. 3^d Aug. 1664. Read in Councill 10 August 64.]

To the Kings most sacred Majestie.

The Governor Councill and Burgeffes of your Majesties Colonie of Virginia
Most humbly Present.

THAT in Obedience to your Majesties Royall Commands directed to us in your most gracious Instructions, We forthwith upon receipt thereof gave Intimaçon unto the Leifteneant of the Lord *Baltamore* in *Mary Land*, That it was your Majesties pleasure we should appoint Commiffion^{rs} on both sides to treat of the most convenient way of lessning the quantities of Tobacco, thereby to improve the Commoditie for the advantage of both the Colonies, and that accordingly Comiffion^{rs} were appoynted, and on the 11th *May* in the 15th yeare of your Majesties most happy Reigne did Treat of the best meanes for obtaining the good ends aforefaid; And Concluded that restraining the Planters to the 20th of *June* and none to Plant or replant any Tobacco after that day in every yeare was the best expedient for lessning the quantitie and mending y^e qualitie of that our only Commoditie: But the Comiffion^{rs} for *Mary-Land* pretending that they had not a power to impose any such Law upon their Inhabitants without the Consent of their Assemblie; The Treaty rested there untill both the respective Assemblies mett: which was in *September* in the same yeare: At which time your Majesties Assembly in *Virginia* unanimously voted the said Restriction, provided the Inhabitants of *Mary-land* would Conforme themselves to the same, otherwayes to have as full libertie of planting as the said *Marylanders* had: But that most excellent Proposition (not finding the like favourable acceptance in their Assembly was utterly rejected; and your Majesties Princely Care and favor extended both to us and them rendred of noe effect by their obstinate refusall of their Conformitie to the said Proposition: Whereby we hope it will evidently appeare unto your Majestie, that as wee have exprested our ready Obedience to your Majesties Commands so they have neglected the same, and that all the inconveniencies that doe and will fall upon them and us by the too greate quantities of Tobacco made in both places; are only due to their obstinacy.

Wee doe therefore most humbly beseech your Majestie to take the Premises into your Royall Consideration, and by your Princely Care extended to all your Subjects, see to determine of what we have presented to your Majestie, as may be most for your Majesties honor, the Wealth of your Kingdom of *England* and for the Advancement and Prosperitie of both these Colonies.

And Wee shall ever pray that God will preserve your Majesty the Glory of all the Princes upon Earth and the Delight and Blessing of all your Subjects, and peticularly of

Your Majesties

Most Loyall and Obedient

Subjects and Creatures

William Berkeley

Robert Wynne Speaker

ORDERS OF A GRAND ASSEMBLIE

Held at *James Cittie* October the tenth An^o 1665.

WHEREAS It is generally observed both in generall and Countie Courts that divers good and wholesome acts are omitted in the printed acts, either by mistake of the printer or some other way, *It is therefore Ordered*, That the honora^{ble} Secretary and Mr *Henry Randolph* viewe the booke of acts that was in force, when the hon^{ble} Govern^r went for *England* last, and to present to the Govern^r Councill and Grand Assembly boeth what lawes are omitted, and what altered, and the difference between them to the end that boeth the omissions and alterations may be seriously considered and debated

Ordered that the Selling or disposing of any publique house in *James Cittie* be (by the request of the house referred to the honorable Govern^r and Councill as they see cause for the best advantage.

Whereas for the better convenience more ease and better trade, It is thought fitt, that one or two places in every Countie bee sett out, where the whole trade of the Countie shall bee and that y^e Church and ministers house, the Court house Records and Clerks residence the Sherriffs, & officers and Bayliffs the prison and ordinaries, and what else shall be thought fitting, shall be established there, and that all goods yearly imported be first sold there during that Space at least eight moneths or more and that present care be taken for the merchants present accommoda^{tion} of victuals and Store-house Roome upon reasonable rates, for the effecting whereof, *it is Ordered* that this order be published in every County Court yearly in the moneths of *October* or *November*, and all people be summoned in euerie County to consult at a time and place appointed whether such places shall be established for those uses or not, and the Maj^r voate to conclude it affirmatively or negatively according to the conveniencie or inconueniency of each Countie

Ordered That two hundred pounds *Sterl.* be presented to the hono^{ble} Govern^r To be paid out of the two Shillings $\frac{2}{3}$ hh^d as the gratitude of the house for his favourable Remission of the tenne Shillings $\frac{2}{3}$ hh^d

The difference between the Government of *Virginia*, and the province of *Maryland* concerning the bounds of the S^d Government is humbly referred to the manning of the hon^{ble} Govern^r and Councill in the intervall of the Sessions of this Assembly:

Ordered that 53^{lb} Tob^o $\frac{2}{3}$ poll be Levied this yeare

ORDERS OF A GRAND ASSEMBLY

Held at *James Cittie June* the 5th *An^o* 1666.

ORDERED that the Right hon^{ble} the Govern^r be requested to procure three hundred pounds of Silk to be presented to his Ma^{ty} as a Testimony of their humble duties and endeavours to promote more Staples in the Country and that his hon^r be repaid the disbursement by the Country, and further That M^r *Speaker* be impowered in the behalfe of this house to signe the addresse.

JOURNAL OF THE GRAND ASSEMBLY,

Held at *James City* The 23d day of *October*, 1666, by adjournment from the fifth of *June* 1666.

UPON the end of which session it was enacted that the convention of the next should be upon the 25th of *April* 1667, unless the right honourable the governor found occasion to convent it sooner; who pleasing to issue his fumonds for the appearance of the respective burgeffes, this day there appeared.

Capt. *Robert Wynne* Speaker.

Henrico County.

Charles City.

York.

New Kent.

James County.

James City.

Surry County.

Isle of Wight.

Nanjamund.

Lower Norfolk.

Elizabeth City.

Gloster.

Lancaster

Rappahanock.

Stafford.

Westmoreland.

Northumberland.

Northampton.

Accomack

Capt. *William ferrar.*

Mr. *Speaker,*

Capt. *Thos. Southcoat.*

Lieut. col. *Wm. Barber,*

Capt. *Danl. Parke.*

Coll. *William Clayborn,*

Capt. *William Berkley.*

Capt. *Edward Ramfey,*

Mr. *Thomas Ballard.*

Mr. *Theo. Hone.*

Capt. *Laur. Baker.*

Mr. *Thos. Warren.*

Adjutant genl. *Bridger,*

Maj. *Nich. Hill,*

Mr. *Robert Williamfon.*

Col. *John Blake,*

Capt. *John Leare.*

Capt. *Adam Thorowgood,*

Capt. *Wm. Carver.*

Col. *Leond. Yeo,*

Capt. *John Powel.*

Adjt. genl. *Jenyngs,*

Major *Thomas Walker.*

Rawleigh Traverfe.

Capt. *John Weye,*

Mr. *Thomas Lucas.*

Col. *Henry Mees.*

Coll. *Nich. Spencer,*

Coll. *John Wafhington.*

Mr. *William Presley.*

Leuit. Coll. *Kendall,*

Capt. *John Swavage.*

Coll. *Edward Scarburgh,*

Mr. *Hugh Yeo.*

Major *Hone*, leuit. col. *John Blake* sent to acquaint the governour that the house attended his honours pleasure; who ordered the severall letters from the governour of *Carolina,*

1. The original manuscript gives Colonel *Mees* also as a member of this committee.

Carolina, his honours answer to be read and all his honours letters to the lieut. gov^r and chancellor of *Maryland* and their answers which follow²;

These are in his majesties name to impower and authorize the bearer hereof to pass boat and men or fresh horses, where occasion shall require, for the convenience and expedition of the transport of him and his horse over any river or creek, or to guide, direct and conduct him in his passage to *Maryland*, upon business of publick concernment, and his return. For the furtherance and expedition of which passage and return, all magistrates and persons are hereby strictly charged and required to be aiding and assisting to the bearer, and to secure and feed his horses at any place where he shall have occasion to leave them, at their peril. Given at *James City* the 24th of *October* 1666.

Particular planter to the Collector for clearing the said Tobacco But that the Law may still continue in force for *Potomack Accomack* and *Northampton*³.

Whereas divers Owners and keepers of Mills in this Country do refuse to grind corn according to turn for the reward and toll already set and appointed by Act.

It is Humbly proposed that what person soever Master Owner or Lessee of any mill shall hereafter refuse to grind as aforesaid may be fined and one thousand pounds of Tobacco for every such Offence and if the Miller so refusing be a Servant to be punished at the discretion of the County Court where the Offence shall be committed and Complained of unless the said servant can prove that what he did was by the Order of his Master which fine to be recovered by any person injured by Action of Debt in the Court of that County where the Action was committed.

Whereas the 77 Act concerning the Insufficiency of fences prohibits any hurt or injury to be done to several Sorts of Cattle and Beasts amongs which Sheep are not nominally included *it is proposed* that Sheep be hereby declared to be comprehended with the rest in the said Act mentioned.

Whereas the Honourable Secretary *Ludwell Esq'r* hath informed the Assembly that he finds in the Records many patents for great Parcels of Land for which there appears not any Rights upon Records and further that divers patents have been issued and no record extant. The Assembly taking into their consideration the great Trouble and prejudice that may ensue to divers honest inhabitants of the Country in asserting their Titles made thus Invalid by the neglect of former Clerks.

Humbly propose that for preservation of all present Titles and prevention of future Troubles that all Lands held by former Patents of which there is no record extant or to which there are no rights annexed in the records until the date of this present may be held Valid according to the Claims of the Several patentees. (Those defects being found to have happened by the Neglect of the Clerks of those times in not making present Entry of the Rights delivered to them and the casualty of two Several fires whereby many of those Rights with other papers have been destroyed Requesting Mr. Secretary to continue his Care in not Suffering any patents hereafter to pass the Office without its being first compared with the records.)

Whereas the officers of the Militia have complained that divers refractory persons in contempt of the Authority empowering them and to the Ruin of all Military Discipline refused to appear upon the days of Exercise and other times when required to attend on the Public Service.

It is humbly proposed that every person so neglecting to appear shall for every such Neglect be fined one hundred pounds of Tobacco to be disposed of by the militia for the use of the Regiment and that the Commanders return of such forces to the Sheriff of the respective Counties may be a Sufficient Warrant of the parties denial of payment to Levy the same by distress. *Provided* that if before the laying the Levy the party amerced do show to his Commander such Cause for his Absence as by the said Commander shall be Judged reasonable then the party to be excused and the fine not returned.

Whereas

2. For the governor's letter to the lieutenant governor of Maryland and his letter to the governor of North Carolina, see page 35.

3. A part of the text of this paragraph has been lost.



Whereas the present Obstructions of Trade and the Nakedness of the Country do Sufficiently Evidence of what necessity it is to provide for a Supply by improving all Means of improving and Raising Manufactures among our Selves and the Governor's Honour having by apparent demonstrations manifested that our poverty and necessity proceeds more for want of industry than of ability since five women or children of 12 or 13 Years Old may provide Sufficient Clothing for thirty persons with much Ease if they would betake themselves to Spinning which cannot be objected against if Weavers and Looms were provided.

It is therefore proposed that within two Years at furthest the Commissioners of each County Court may be enjoined to provide and Set up a Weaver and Loom in Each of the respective Counties of this Country at the Charge of the County and that no private person setting up a Loom at his own Charge shall Excuse the County from Setting up a Publick one but that every Court neglecting to perform the tenour of this proportion may be fined Tobacco provided that Executing thereof in the Counties of *Rappahannock Lancaster Stafford and Westmoreland* who by the Means of their Grounds pretend to be incapable of making provision for the so soon Employment of a Weaver may be respited four Years from the date hereof.

Whereas the Charge of prosecuting of Criminal Persons hath been hitherto usually defraied part by the Publick but most by the Counties wherein they live for avoidance whereof It may be probable that Such lewd Livers may escape punishment by too favourable a censure of their Demerits.

It is humbly proposed that where the person himself convicted hath Estate sufficient to Satisfie the Charge of his prosecuting It may be Enacted for Ease of the public Taxes that such Charge may be paid out of the Estate of the person and the publick and the County obliged to Satisfie only in case none or not Sufficient Estate can be discovered.

Whereas at an Assembly held at *James City March 1664 John Lear* appealed in a Depending difference between him and *Elizabeth Streeter* shewing that whereas the said *Elizabeth* had impleaded him the said *Lear* in the General Court for £25 Sterling due to her for so much paid to *Thomas Bowler* on the said *Lear's* Account he the said *Lear* was no ways Obliged nor Indebted for the same But that being questioned for the same in the Assembly Anno 1658 by Capt. *Edward Streeter* the then Husband of *Elizabeth* The Petitioner made the Business then so Clear that he obtained Order against the said *Edward* for several things due to him with Costs and damages and the said *Edward's* Suits for this Same dismissed which so appearing also that Assembly in 1665 the Suit had then also been dismissed but that the Assembly upon the humble Motion of the said *Elizabeth* pretending greater Evidence in this matter was referred to this Assembly Provided that the said *Elizabeth* at the next Court in *Nancemond* County Gave Security for paying the said *Lear* his Damages wherein she failing and the business again taken into Consideration Lieut. Colo. *Jordan* Attorney of the said *Elizabeth* being present who confessed that the said *Lear* again in the said General Court declaring his knowledge in the suit between the said *Elizabeth* and *Thomas Bowler* had by himself and other Evidence made it so fully appear that the said *Lear* himself with his own proper Estate had Satisfied the Debt aforesaid that no further doubt could remain thereof. The Assembly thereupon ordered the suit to be totally and finally dismissed and concluded and that the said *Elizabeth Streeter* forthwith pay to the said *John Lear* for his unjust Molestation 1,500 lb. Tobacco Damages with costs. Execution.

To the Honourable Sir *Wm. Berkeley* Knight Governor &c. And the Honourable Council of *Virginia*.

The humble petition of *Wm. Whittacre* Sheweth.

That he formerly bought of Mr. *Thomas Bushrod* a Mulata named *Manuel* who bought him of Colo. *Wm. Smith's* Assignee as a Slave for Ever but in September 1644 the said Servant was by the Assembly adjudged no Slave and but to serve as other Christian servants do and was freed in September 1665.

Your petitioner most humbly prays he may have satisfaction from the Levy being freed by the Country and bought by your Petitioner at £ 25 Sterling.

The



The Affembly not knowing any Reason why the Publick should be answerable for the inadvertency of the Buyer or for a Judgment given when justly grounded as that Order was. Have Ejected the Petition.

Whereas the parishes of *Lancaster* and *Payankatank* having formerly been united and since divided into two Parishes by that division became more Sensible of the Inconveniency and Charge have petitioned to be reunited. *It is accordingly ordered* that their petition be granted and the Parishes reunited and to be called by the name of *Christ Church Parish*. **1676021**

Proposed Whether one or more Members of the house be appointed to carry Message to the Governor and Council of *Virginia* or an Ordinary Messenger Employed.

Ordered that thanks be returned to the right Honourable the Governor for his Care for the Dispatch of publick Affairs and that his Honour be requested to appoint some careful person to carry the Message to the Governor of *Maryland* to bring the final result of that province about the Cessation with all possible Expedition.

Major *John Weir* Major *John Washington* and Capt. *Will Berkley* are appointed to present to the right Honourable Governor the Order and Warrant for dispatch of a Messenger to *Maryland*.

Upon presenting the list of Tithables for *Lancaster* County and in that an Exemption made of ten persons for Sir *Henry Chichley* as Councillor. *It is Ordered* that the said ten persons be added to the List such Exemptions for absent Councillors being taken of by the Act of Assembly.

Most Honoured Sir,

I Must once more beg your pardon for importuning you to send us your declaration of the governour and counsels assent to a cessation, for indeed not only our assembly and courts, but all our commerce have their dependance on the assurance of that our former results receive no interruption by the alteration of our opinion, and its the voice of all that a cessation will make some few merchants venture their goods to us in these dangerous times, which otherwise they will keep by them, and then in what a miserable condition will these poor colonies be; for however we are at greater distance from danger, we shall be the first that for want of necessaries shall feel the pressures of a terrible war. The last ship that came to us informs us that the scales yet hang formidably ballanced and that few will venture to us but on hopes of great gains. This with many other considerations makes us desire you to hasten this messenger with your answer, which we are confident will satisfy all our hopes and wishes.

Your most humble servant,

William Berkeley.

Jamestown, the assembly setting 8ber. 24th 1666.

Most Honoured Sir,

Our assembly is now met to perfect the great business of the cessation, but we can move no further in it till your assent be publicly made known to us. The commerce of the whole country is at a stand till it be fully declared that your necessary act be absolutely confirmed by you, and the few merchants that are here refuse to open their stores till they know on what terms they should dispose of their commodities, and besides other imputations of levity and inconstancy, I am confident few or no ship will be hazarded to us in the time of such extraordinary danger, if we make not good that which we have so much noised in the world. Therefore, dear Sir, let your concurring assent be sent to us as soon as possible, you can; by this time we suppose your council is met, and therefore hope that this messenger will bring back your answer.

Your most humble Servant,

William Berkeley.

Jamestown, the assembly setting, October 24, 1666.

The house adjourned until to-morrow morning, being the 25th of October, at the 3^d beating of the drum.

October

October 26, 1666.

UPON reading the chancellours of *Marylands* letter with the proclamation inclosed, published and proclaiming the observance of the act of cessation, whether the same is conceived by this house to be a sufficient ending of that governments confirmation of their former act, and whether it shall be thereupon determined in the house that the act made for that purpose the 5th of *June*, 1666, is and shall remain in full force and power, for the restriction of planting from the first of *February*, 1666, till the first of *February*, 1667, according to the tenor of the said act, and the right honorable the governour and counsell is requested and impowered further to signifie the same by his proclamations to each of the respective counties of that his majesties colony and in it to prescribe such course and penalty as may cause the same to be put in effectual execution.

Ditto Die post Meridiem.

For Propositions.

COLORADO. Wm. Clayborn, Chairman, Colo. Edmund Scarburgh, Capt. William Ferrar, Capt. Otho Southcoat, Capt. Edward Ramfey, Capt. Law. Baker, Major Nicholas Hill, Capt. John Lear, Capt. William Carver, Colo. Leo. Yeo, Lieut. Colo. Barber.

For Grievances.

Capt. Joseph Bridger, Major Thomas Walker, Mr. Rawleigh Traverse, Capt. John Weye, Lieut. Colo. Mees, Major John Washington, assisted by Colo. Bland, Mr. William Presley, Capt. Henry Filmer, Lieut. Colo. Kendal.

Whereas Several Grievances of several Counties have been presented to the house and divers propositions concerning the publick tendered the house of Burgeesses have thought the appointing a Grand Assembly to consider the most Effectual and most expedient means of redress have Ordered the abovenamed Gentlemen being one of Each County to peruse them and give their reports and withal that the Right Honourable the Governor be pleased to add to the Assistance such Gentlemen as his Honour thinks fit.

Upon the petition of *George Liddal* and *John Britton* Shewing that within two Months after *Brittons* arrival the said *Liddal* carried him to Court who adjudged him 16 Years of age whence a Quere arose whether he the said *Britton* Servant to the said *Liddal* were to serve till 21 or 24 Years of Age upon this Nice presumption that being adjudged but 16 Years at the Court when he arrived two months before that Judgement. The house being Sensible that no infallible Judgement of Age can be given have thought fit to declare that the Judge ought to be interrupted of the Age of the Servant when he came in and therefore have Ordered the said *Britton* to serve but five Year.

Major Walker's Petition. *Westmoreland* and *Rappahannock* Propositions. Proposals of *York*, Mr. Secretary's Propositions, *Northampton* propositions, *Rappahannock* Grievances, *Lancaster* Propositions, *Lower Norfolk* Petition, Remonstrance to the Chancellor, Addresses of *Henrico* County, *Isle of Wight* Grievances—Delivered to the Committee.

John Knight petitioning for Exemption from Levies as being Seventy Years Old the Assembly have ordered that if the County Court think him fit to be exempted from the payment of Levies his petition be granted. 26 October. The house adjourned till to Morrow Morning the third Drum.

27 October 1666.

THE Assent to the proclamation of *Maryland* as full confirmation of the former Act of Cessation assented to by a 2d *Nemine Contradicente*.

Ordered that Account of the fines be each *Saturday* rendered in the House one half whereof to be disposed of to the use of the house one fourth to Major *Hone* for Collection the other fourth to be allowed and accepted by the said Major *Hone* to *H. Rand[olph]* on Account.

The

The Several Gentlemen underwritten are appointed and required to attend the pleasure of the Right Hon'ble the Governor this afternoon.

Colo. Blake,

Major Weye,

Mr. Lucas,

Lieut. Colo. Wafhington,

Mr. Traverfe,

Capt. Filmore,

Capt. Blackey.

The fines this Week amounted to 460 lb of Tobacco.

The House adjourned till *Monday* Morning third Drum the Committee to meet the first Drum this afternoon.

October 29 1666.

THE House met there was read the result of the Conference between the Right Hon'ble the Governor and the Committee of Burgeses *October 27 1666* as followeth viz:

Then was read a petition of Mr. Wm. Drum[mond] concerning the Land called the Governor's Land in the main reserve the 29 of *October 1666* by the Governor and Council to the Assembly for their Judgments therein. Returned thus Endorsed.

This Petition or one to this Effect was Exhibited in June last to which the house gave this Answer Viz't. June 8, 1666.

The house humbly conceiving the grants of Lands to appertain to the Governor and Council (and things thereby without their Cognizance) think fit this petition be returned to your Honour.

And now do humbly conceive the same Answer (be sufficiently) the result of their Judgments as concerning this matter to be here Coram non Judice.

The house adjourned till afternoon. The House met and the Proclamation from *Maryland* the Chancellor's Letter Read and something Debated.

The House adjourned till to Morrow Morning.

October 30 1666.

THE House called over.

Whereas on Friday the 26th Instant a Grand Committee was appointed to hear Grievances and Ordered that for more Expedition it be divided.

The former Proposition whether the proclamation Inclosed in the Chancellor's Letter having no other attestation be thought a Sufficent tye for that Government's assent and obfervation of the Act of Ceffation.

The Committees of Grievances and propositions sat until the Afternoon next day.

October 31 1666.

THE House called, the Report of the Committee for Grievances was read which here followeth [Not given].

A Committee appointed to regulate the price of Ordinary Keepers.

Colo. Scarburgh,

Capt. Pack,

Colo. Blake,

Mr. Lucas,

Major Hone,

Mr. Williamfon,

Mr. Ballard.

Ordered that the Governor's Honour be requested to appoint some Gentlemen of the Council for the Assistance of the Committee.

Proposition de Runaways. Concerning Indians, Concerning Criminals, Concerning Attorneys.

November

November 1 1666.

A FULL Order to be drawn concerning Mr. *Lear's* business for dismission from Mrs. *Streater's* Suit. *Ut Sequitur.*

Slaughter Order. Thomas Lucas Junr. Order.

Whereas there was a proposition from the *Isle of Wight* County for one of their three Burgeffies to be dismissed. *It is the Opinion and Judgment* of this Assembly That Since no Burgeffs is admitted without Legal and deliberate Examination of his return that it cannot consist with the Honour of the House to dismiss him from attendance during the Continuance of that assembly of which he is a Member.

To Major *Walker's* petition for Encouragement for planting 50,000 Mulberry Trees out of the fines of Delinquents according to Order of Assembly.

It is Answered the time of forfeiture of the fines not being yet expired the house is of opinion that no Cognizance Yet can or ought to be taken of this petition.

The House adjourned till Afternoon. The House Called. The Indian Capt. but of a Strange Nation thought fit to produce the Incurfion of that Nation which being thought to be of great Importance to the Country therefore awarded 2,500 lb. Tobacco.

A Committee appointed to treat with the Governor about the last Act concerning the Indians and the proposition preferred by Capt. *Ferrar.*

Mr. *Ballard*, Chairman,

Lieut. Colo. *Mees*,

Capt. *Ferrar*,

Major *Weye*,

Capt. *Lear*,

Major *Hill*,

Capt. *Thoroughgood.*

November 2, 1666.

THE Report of a Committee appointed to W. on a Consult with the Hon'ble Governor the last night was this day returned *ut Sequitur.*

This day was read in the house the right Hon'ble Governor's Opinion upon Capt. *Farrar's* Answer to the proposition concerning Indians

Major *Washington's* Petition *de Land* to be Ordered.

The Governor is pleased to declare That since his last coming from *England* he hath either found certainly Stint or Cessation of absolute necessity. A Stint the best remedy but of greater difficulty to manage.

Committee to attend the Governor about a treaty with *Maryland* and the Incident Instructions.

Capt. *Joseph Bridger*, Chairman,

Capt. *Peter Jennings*,

Mr. *Thomas Ballard*,

Capt. *Edward Ramsey*,

Capt. *John Weye*,

Lieut. Colo. *Mees*,

Mr. *Wm. Presley*,

Mr. *Thos. Walker*,

Capt. *John Savadge.*

November 3, 1666.

A COMMITTEE Attended the Governor.

In the Afternoon the Report read and assented and the house adjourned.

November 5, 1666.

THE House called. some Propositions read and Assented to the Second time. That Mr. *Secretary* be requested to Admit Colo. *Clayborn* and Mr. *Ballard.*

A Committee appointed to propose the rates of this Country Commodities for payment of publick Debts Ministers and parish duties Officer's fees fines Quitrents and other Rents that be generally contracted and become due in the Vacant Year from planting.

Colo.

Colo. Henry Mees, Ralph [Raleigh] Traverfe, Robt. W'mSon, Capt. Weye, Capt. Parke.

Ordered that the Hon'ble Governor be requested to Affist this Committee with one or more of the Council.

November 6, 1666.

PROPOSED.

Whether upon the Governor's Reasons communicated to the house it be conceived that there is a necessity of an Agent to manage the Countries Affairs in England if an honourable person would be found fit to be intrusted.

A Committee appointed to treat with the Governor and request his Honour to consider some Hon'ble persons that might be fit and would please to accept the Managing the Affairs of the Country in England.

Capt. Joseph Bridger, Chairman,	
Mr. Thos. Ballard,	Mr. Robt. Williamfon,
Lieut. Colo. Kendall,	Lieut. Colo. Mees,
Capt. John Lear,	Major John Wafhington.

A Committee appointed to attend the Honourable Governor for drawing the Instruments for Wm. Drummond Governor of Carolina and the Instructions for the Commissioners for Maryland and to treat also with his Honour concerning his Satisfaction for the Silk presented to this Country by his Sacred Majesty.

Capt. Joseph Bridger, Chairman,	
Capt. Daniel Parke,	Lieut. Colo. Mees,
Mr. Thomas Ballard,	Major Hill.

This is to certify those it may concern that upon request of Major Thomas Walker of Gloster County I have caused to be counted those white Mulberry Trees under mentioned Vizt:

Planted by him or his Order which are now growing and tender in Anno 1664.	13,642
Planted in 1665 found in the abovefaid condition	56,755
	<u>70,397</u>

This abovefaid Account I found to be agreeable and just. Witnefs my hand 17 May 1666 in Virginia.

Agrees with the Original,	¶ Me Peter Knight.
Received 7 November, 1666	

November 7, 1666.

THE House called and the other propositions read and approved were sent to the Governor for approbation.

But before the house met the Committee attended the Governor's Honour who was pleased to desire Mr. Secretary to draw up the Instruments and Instructions who after upon consideration that himself was one of the Commissioners desired the house to appoint some other persons to draw them up.

Upon Reading the Governor and Council's approbation with the alterations annexed they were all gratefully assented to Except the dissent from the Act concerning lower Norfolk's Exemption from giving the Lifts of Tobacco to which Mr. Ballard, Capt. Carver, Capt. Lear, Colo. Yeo and Captain Bridger and Capt. Thoroughgood were appointed to acquaint his honour with the reasons inducing them to pass that proposition and to return the Governor thanks for the forbearance of his Silk Money.

Mr. Ballard and Mr. Lear appointed to take Mr. Knolls and Mr. Hunts acknowledgment

ment of a Judgment before the Governor and Council. Before the Honourable Governor and Committee &c., The Honourable Sir Wm. Berkeley Knight Governor, &c.

Major General Robert Smith,

Mr. Henry Corbyn,

Colo. Nathaniel Bacon,

Colo. Miles Cary,

Colo. Thomas Stegge.

This 7 of November 1666 Mr. John Knolls and Mr. Thos. Hunt appeared before the Court and Confessed Judgment upon the breach of a penal Bond for the Sum of 264,000 lb. of Tobacco and Cask due to the Honourable Robert Wynn Speaker of the grand Asssembly and was for the performance of certain Conditions expressed in the said Bond of which they failed and Judgment is Entred accordingly.

Test. Thomas Ludwell Secretary.

Proposition about the Repeal of the Act prohibiting the Importation of Salt into Northampton County.

Whereas the County of Northampton hath Shewed that by a former Act of Asssembly the Importation of Salt into that County was prohibited for the better Encouragement of Colo. Edmund Scarburgh who had Erected a Salt Work in Accomack but he not furnishing the people's Wants in that County of Northampton according to Expectation and the Law restraining their Relief from other places.

It is humbly proposed That the said Act for so much as relates to that County be repealed and Liberty given to any person to Import and Sell Salt as freely as before the making of that Act of restraint as before he might have done. Colo. Scarburgh himself having given his full Assent to the premises.

Whereas the Act ascertaining the fees of Surveyors by reason of the means [mean-
neis] of the Salary (which seems to have been set in times when Tobacco was of a greater Value than can be now expected) both discourages any man of parts Ability and Integrity from Exercising the said function in the well discharging whereof the peace and possession of the Inhabitants of the Country are so much concerned and yet for want of a penalty give every one leave to extort from the people what Sums they please.

It is humbly proposed that for Encouragement of able men and prevention of Extortion the fees limited in the said Act be advanced to double what they were Viz't forty pounds of Tobacco for measuring one hundred Acres of Land if the parcel Exceed five hundred Acres if under to be allowed 200 lbs of Tobacco and for the same shall deliver an exact plot of Each parcel Surveyed and measured and if any Surveyor upon reasonable demand (not being by Sicknefs or any other Lawfull impediments hindred) shall refuse to Measure the Land of any person whatsoever for the Consideration and Satisfaction aforesaid Every such Surveyor shall be fined for such his refusal 4,000 lbs. of Tobacco and for Exceeding The fee 200 lbs Tobacco for Every 100 Acres half to the Party injured half to.....

Whereas in some few frontier Counties the Number of Wolves killed and brought in by the Indians tho' from never so great a distance hath been by some Inhabitants thereof through a Covetous desire of the Incouragement given by Act purchased to the insupportable burden tho' little benefit of the people.

It is therefore humbly proposed That the allowance for Wolf's killed by Indians and the Means of Inquiry and Discovery by whom and where Wolves are killed may be left to the severall County Courts by their Laws to take Order and provide for.

Whereas upon the Establishment of a Cessation It will probably ensue that Creditors may be rigorously importunate in recovering their Debts which if wholly paid in Tobacco will consequently deprive many people of any means to provide for the supply of their necessities for Remedy and Relief thereof.

It is humbly proposed that for all Debts already contracted for to be paid this present Year in Tobacco any debtor paying one half of his debt in kind may have Liberty for the payment of the other half until the tenth of November 1668 Giving reasonable Security (if required) for the Remaining at the time aforesaid And in Case the Creditors will not stay that time but prosecute his Debtor for payment to be made sooner it shall

be in the Liberty and Choice of the Debtor to make tender of his Estate before the next Justice of the peace to Legal Valuation for payment of the said second Moiety *Provided* that if the Debt be under the Quantity of two hhd. of Tobacco It shall not be lawful for the Debtor to prejudice the Creditor by breaking a hhd. of Tob'o and paying a parcel thereof.

And that for payment of publick dues this Year (in respect of the Cessation and Consequent Expectation of advancing the Roll of Tobacco) there be an abatement of the sums formerly allowed.

And that all publick and County debts Ministers parish dues Officers fees fines Quit Rents and other Rents generally that shall become due or Contracted in the Vacant Year from planting may be paid in the Country Commodities at the Rates set this Assembly.

Whereas the County of *Lower Norfolk* lyeth most in this River and therefore not so to be suspected to ship Tobacco without paying the Impost.

It is humbly proposed that the Inhabitants of the said County may have equal Liberty with others to dispose of their Tobacco without the Trouble of the Address of Every

Whereas Lieut. Colo. *John Washington* hath Shewed that he obtained a patent of Land lying in *Westmoreland* and *Rappahannock* Counties part whereof is now included within the bounds allotted by the Grand Assembly to the *Nanzatico* Indians. *It is Ordered* according to the said *Washington's* petition That upon the Indians deserting the said Land he the said *Washington* may be readmitted to enjoy and possess the same by Virtue of his former grant and that no other after Claim may prejudice him in his Right.

Whereas *John Catlet* Gentleman in the behalf of *Francis Slaughter* Orphan hath shewed That *Francis Slaughter* obtained a patent of Land which is included within the bounds allotted by Order of the Grand Assembly to the *Nanzatico* Indians *It is Ordered* according to the said *Catlet's* Petition on the behalf of the said Orphan that upon the Indians deserting the said Land the Orphan may be readmitted to enjoy and possess the same by Virtue of the Grant and that no other after Claim may prejudice him in his Rights.

Whereas *Thomas Lucas* Gentleman hath Shewed that he obtained a Patent of Land lying on the South side of *Rapahannock* River about two Miles above *Portobacco* Town which is now included within the bounds allotted by order of the Grand Assembly to the *Nanzatico* Indians *It is Ordered* according to the said *Lucas's* Petition that upon the Indians deserting the said Land he the said *Lucas* may be readmitted to enjoy and possess the same by Virtue of the former Grant and that no other Claim may prejudice him in his Right.

Whereas *John Petit* a Frenchman by birth but an Ancient Inhabitant of the Country whereof his Marriage abode Children many Services and approved fidelity have Justly made him reputed a Member have petitioned that he might be admitted into a Stricter tye of Obedience to his Sacred Majesty by being made denizen of this Country *It is by the Governor Council and Burgeffes of this grand Assembly granted and Ordered* that the said *John Petit* be made a free denizen of this his Majesty's Country of *Virginia* and thereby Vested and Indulged in all such freedoms liberties priviledges and immunities whatsoever as any Denizen is Capable of by Law or by his Majesty's gracious declaration or anything therefrom Justly Inferred *Provided* the said *Petit* take the Oaths of Supremacy and Allegiance to his Majesty before his Majesty's Commissioners in the Court of that County where he inhabits.

Whereas *John Martin* a Dane by Birth and a Boatwright by Trade hath long lived in this Country and truly and honestly behaved himself towards his Majesty and all his leige people and having full Resolutions to make his constant abode in this Country hath petitioned he might be admitted a Denizen *It is by the Governor Council and Burgeffes of this Grand Assembly Granted and Ordered* that the said *John Martin* be made a

free

free Denizen of this Country of *Virginia* and thereby Vested and Indulged with all such freedoms liberties priviledges and immunities whatsoever as any Denizen is capable of by Law or by his Majesty's gracious declaration or any thing therefrom justly inferred *Provided* the said *John Martin* take the oaths of Supremacy and Allegiance to his Majesty before his Majesty's Commissioners in the Court of that County where he inhabits.

Whereas Andrew Herbert a Dutchman by Birth long since removed himself his family and Estate from *Monadas* into this Country and here purchased a plantation and thereupon lived and resolved here to live & Dye his Majesty's faithful Subject hath petitioned he might be admitted a Denizen of this Country *It is by the Governor Council and Burgeffes of this Grand Assembly granted and Ordered* that the said *Andrew Herbert* be made a free Denizen of this Country &c. *ut in Aliis*.

Whereas William Martin a Dutchman by Birth Long since removed himself his Family and Estate from *Dellaware Bay* into this Country and here purchased a plantation and hath since lived in this Country and truly and honestly behaved himself towards his Majesty and liege people and having full resolution to live and die in this Country hath petitioned he might be admitted a Denizen of this Country. *It is Ordered* by &c.

Whereas Peter Godson a Frenchman by birth hath Long since lived in this Country a Servant and a Freeman and of the reformed Religion and truly and honestly behaved himself towards his Majesty and his Laws and here purchased Land and Married an *English* Woman and hath here three Children by her and having full resolution to make his constant abode in this Country and to live and die his Majesty's Subject hath petitioned he might be admitted a Denizen thereof. *It is Ordered* by &c.

Whereas John de Young by birth a *Dutchman* hath long since lived in this Country a freeman and Servant and of the reformed Religion and truly and faithfully demeaned himself towards his Majesty and Laws and here purchased Land and Married an *English* woman and had many Children by her and having full Resolution to make his constant abode in this Country and to live and Dye his Majesty's faithful Subject hath petitioned he might be admitted a Denizen thereof *It is by the Governor Council and Burgeffes of this Grand Assembly Granted and Ordered* that the said *John De Young* be made a free Denizen *ut in Aliis* &c.

Whereas Cornelius Noel hath long lived in this Country Servant and Freeman and of the Reformed Religion and taken up Land with a full resolution to make his constant abode in this Country and to demean himself as a true and faithful Servant towards his Majesty and his Leige people hath petitioned he might be admitted a Denizen of this Country *It is by the Governor Council and Burgeffes of this Grand Assembly Granted and Ordered* that the said *Cornelius Noel* be made a free Denizen *ut in Aliis* &c.

Whereas George Liddall petitioned against *John Breton* Shewing &c., wrote before

Oct. ————— 26.

It is Ordered that the Right Honourable Governor be desired to represent to his most Sacred Majesty That the Country having already been at the Charge of near 100,000 l. of Tobacco towards Erecting a fort at *point Comfort* Do find by Several Inconveniencies in the Situation of that place that it is almost impossible to bring the said fort to any perfection and therefore in the Name of the whole Country humbly Do implore to Excuse us from further prosecuting the said Work.

November 8, 1666.

This I will most willingly Do but it is impossible for me to do it Effectually without some person be appointed and often Urge his Majesty and Council of our Wants and Necessity's and a long Letter will be unmannerly at least to Trouble the King withal Therefore I once more say that if the Assembly does not pay the Agent he shall not expect more from the Country neither shall he do anything without the Assembly and let this be recorded.

Your most humble Servant

William Berkeley.

November

November 9, 1666 Die Jovis.

THE Honourable Governor sent Knowledge of his pleasure to the House that two or more of the Council might Joyn whith the House in Granting and Confirming the Sum of the Levy.

The Hunble Answer of the House is that they conceive it their privilege to lay the Levy in the House and that the House will admit nothing without reference from the Honourable Governor and Council unless it be before adjudged or Confirmed by Act or Order and after passing in the house shall be presented to their Honours for their approbation or Diffent.

Mr. *Ballard* Major *Weir* and Capt. *Bridger* are appointed to present this Answer to the Governor & Council.

This is willingly assented to and desired to remain on Record for a Rule to walk by for the future which will be Satisfactory to all.

William Berkeley.

A Committee appointed to wait on and treat with the Hon'ble Governor about the Castle Duties and Arrears Granted by his Sacred Majesty to this Country by his gracious Letters toward the Erecting of a Fort and to present the Order and request of the house dated *November* the 7th 1666 concerning the Fort at *point Comfort*.

Capt. *Jennings*, Chairman,

Major *Joseph Powel*,

Mr. *Hugh Yeo*,

Major *Walker*,

Captain *Hen'y Filmer*.

The Right Honourable the Governor's Opinion is that the Castle duties may not be looked back upon further than from the Date of his Majesty's Letter.

Test Thomas Woodward Clerk Committee.

It is Ordered that Mr. *Ralph [Raleigh] Traverse* be intrusted & appointed to buy a Drum for the use of the publick and send the same to *James City* by the beginning of next Affembly and be paid for it by the Publick.

It is Ordered that twenty pounds *Sterling* be presented and paid to Capt. *Thomas Cary* Overseer of the Fort Work by the Auditor General out of the Castle duties for his pains and Care in the premises.

That 3. 10. 6. be paid Mr. *Jonathan Newel* as aboves'd for Nails for the said Work
The House adjourned till to Morrow Morning.

November 9, 1666 Die Veneris.

PROPOSED that the Honourable Gentlemen of the Council that shall Go for *Maryland* on the publick Service of Treaty with that province may be presented and paid each of them £20 *Sterling* and each of the Burgeffes £10 by the Auditor as a Gratuity for their Trouble they must certainly undergo in that imployment whatsoever charge they shall be at in their Voyage to be allowed and paid in the publick Levy.

Sent to the Governor by Major *Hill* Mr. *Hone*.

An Order for concealing Tithables.

The House going down to wait on the Governor's Honour his Honour was pleased to recommend to them the Necessity of an Agent and recommended to them Colo. *Morison* which being put to the Vote *It was proposed* that the Governor's Honour should be requested and Intrusted to make Choice of an Agent and to empower the person by his Honour made Choice of to act as an Agent for this Country in *England* for the Ensuing Year and to proceed according to such instructions as his Honour shall find the Necessities of the Country's Affairs require.

John Goddon petitioning for a Vessel built by him in the County of *Accomack* of the burden of 25 Tuns was not allowed for want of Due Legal proof.

Mr.

Mr. *John Knowles* and Mr. *Thomas Hunt* having forfeited their Bond &c., and for the said sum Confessed Judgement before the Governor and Council Humbly [begged?] the favour of the House who have thought fit to give to the last of *August* Next by which time if not finished the Judgement to be in force and the said *Knowles* and *Hunt* Alledging that by the strict Rules of Law Execution may immediately follow upon their non-performance by the time limited but that in Equity they may find relief as to the penalty or part thereof *It is Granted* on their humble Motion that the said Judgement shall not bar them of any Just relief the said Judgement notwithstanding.

Whereas It is apparent to all that the Establishment of a Cessation from planting will greatly advance the Merchant's profit by giving him time to vend his Commodity and for that Consideration it might be expected that he should make an Abatement of his Debts Yet this Assembly Who have been ever careful not to take away from the Interests of any person have not taken that Course but only for supply of people's necessities and Enabling them to provide for their Subsistence in the Vacant Year from planting have Enacted and by the Authority of the &c.

ORDERS OF A GRAND ASSEMBLIE

Held at *James Cittie* *Octob^r* the 23^d *An^o* 1666:

WHEREAS informaçon hath bin given to this Affembly that divers perfons either remifs or fraudulent in giueing in their lifts haue omitted or concealed divers of the tithables within their precinçts, *It is Ordered* by the Grand Affembly that the Sherriffs of the Respective Counties doe after their Collections certifie the number of tithables in their severall lifts, and the names of those masters of families that haue concealed any, and the names of the Justices that tooke the lift, to the end that those that shall bee found delinquent may be censured according to their merriits, and to returne such certificates with the writt for Burgeffes to the Secretaries office, whereof they are not to faile.

Ordered That the hon^{ble} Gentlemen of the Councill and Burgeffes that goe for *Maryland*, on the publique service of treating with that province may be presented and paide each of the Councill twentie pounds *Sterling*, and each of the Burgeffes tenne pounds *Sterl:* by the Auditor as a Gratuitie for the trouble they must necessarilie undergoe in that employment, and that whatsoever charge they shall be at in their voyage or Journey shall be allowed and paid in the publique Leuy.

The house being by the Govern^r hon^r informed of the necessitie of an Agent to mannage the affaires of this Country in *England*, haue *Ordered* that his hon^r be requested, and impowered to make choice of an Agent, and to authorize the person by him made choice of to act as an Agent for this Country in *England* for the ensueing yeare and to proceed therein according to such instructions, as his hon^r shall finde the necessitie of the Country affaires doe require

[Proceedings of the House of Burgeffes

September-October, 1667.]

May it please your Honour.

AS this Country in General must in Gratitude and Justice acknowledge that they have ever Enjoyed Unparalleled Happinefs under your Honour's Just and Auspicious Government so this house so often Assembling by your Honour's Order and favour, must declare themselves the most ungrateful of men if they did not Evidence to all the World that peculiar Care your Honour has ever taken to advance the General good of the Country and to protect that and every Individual Member of it and as they must in Justice own this so they must for themselves profess that it has been and ever shall be their constant Endeavour to Evidence their Sensible-ness of the Favours they Enjoy by their ready Compliance to all your Honour's proposals for the publick Good Nor did it ever enter into their Thoughts that there was not an absolute necessity for a fort to be erected But after these many late Calamities supposed it Requisite first to attend and Consider of the means to defray those Charges must Necessarily be disbursed about it To which purpose at the Instant your Honour was pleased to Command their Attendance they were framing a Request for some of your Honour's Council's Assistance to Inquire what Moneys were in Bank that they might see what addition was fit to be made to it to Erect such a fort as might be for the Honour and Security of this his Majesty's Colony and to beseech your Honour to advertise them of the most Easy Means to Effect it they haveing had frequent Experience of your Honour's Considerations for the publick Good which was all the intent of their last answer. Lastly They most humbly beg your Honour not to entertain any Thought of their averfeness from serving your Honour But that your Honour would please to Conceive of them that as their first care shall be, with your Honour & to his Majesty's Service and to the Honour and Security of this his Majesty's Colony So the next is and Shall be to testify their Gratitude and to Vindicate your Honour from any Calumny of Malicious persons may anyway asperse and hope that all their Actions shall be such as shall either invite the Continuance than enforce the Departure of your Honour's (by us) so much desired Residence among us whose indulging Government in Despite of our many fold Calamities render us the happiest people of our Nation in any of his Majesty's forreign plantations

Seal by Colo. *Spencer*
Major *Weye*,
Colo. *Kendal*.

September 26, 1667.

A COMMITTEE appointed to attend the Governour and request and receive his Honour's advice about the most Effectual Speedy and Easy means to erect a fort and with the Assistance of such of the Council as his Honour should please to joyne with them to Enquire into the Country's Stock of Money and to make report thereof to the House.

Capt.

Capt. Jos. Bridger, Chairman,

Colo. Nich. Spencer,
Colo. Wm. Barber,
Capt. John Lear,
Capt. Wm. Carver,

Capt. Dan'l Park,
Maj'r John Weye,
Maj'r Thom. Walker,
Major Nich. Hill.

Affistants to the Committee

Mr. Secretary,
Colo. Stegge,
Maj'r Gen'l Bennet,
Colo. Edw'd Carter,

A Committee for private Causes.

Colo. Robert Holt, Chairman,

Major John Powel,
Major Will Ferrar,
Mr. Thomas Lucas,
Capt. Edward Ramsey,

Capt. Adam Thoroughgood,
Capt. Lawrence Baker,
Capt. Will Blackey,
Mr. Ifaac Allerton.

The Governor's Honor is requested to assign such of his Council as his Honour thinks fit for their Assistance.

Affistants to this Committee.

Colo. John Baker, [Blake]
Colo. Nath. Bacon.

The Governour's Answer here
to be inserted.

Read the Coppy.

Carver's Petition.

Barber and Park.

Commissioners for want of a Lawful prison Referred to the same Committee. By reason of some Collectors not having Given in their Accounts the Committee was disabled to perfect them so Signified the desires of the Council that they might be empowered to treat about a place fittest for a Fort.

Whereupon the House do propose the place for a Fort to be point Comfort because his Majesty's Instructions appoint so But it leaves it further to be debated by the Committee with the Honourable Gentlemen of the Council their Affistants.

Report of the Committee.

By reason of the vast Charge that will inevitably accrue in Erecting and Maintaining of a Fort at point Comfort and the uselessness of that place there being fifteen foot of water at least a Mile [from?] the Castle and not fifty Men able to bear Arms within four Miles of the place and the want of Good Water there *It is the Report and Opinion of this Committee* that point Comfort is not a Convenient place for that Occasion and they do Conceive that the Speediest and Easiest way for the Honour of the Country and the safety of such Ships as shall arrive will be for each River to provide forthwith a Fort to be erected *Viz't* In Potomeck River at Yohocomaco in Rappahannock River at Chorotoman in York River at Tindall's point and in Nancemond and James City in James River and that the Counties of Warwick Elizabeth City lower Norfolk Nancemond and Isle of Wight bear the Charge of Erecting and Maintaining the Fort at Nancemond & the rest of James River bear the charge of the Fort at James City And that overseers be appointed and empowered to see the speedy Execution of this Work by a time to be limited by this Assembly and a great Penalty laid on the Delinquents.

By Plurality of Voices
assented to

Will Berkeley.

To avoid all Pretences of others against this Order.

September

September 27, 1667.

PROPOSED, whether the Affembly or the County Courts fhall impower Commiffioner to Eleét and Appoint Overfeers for the Erecting of the Several Forts.

Whether the Time for finishing the Forts fhall be the End of *April* at fartheft.

What fine fhall be impofed on the feveral Precincts.

The Vote referred till to Morrow the Overfeers over the Work impowered to prefs Workmen and Materials for perfecting the Work and the two next Seflions or County Courts to adjudge the Value.

Ordered That the Requests or Grievances of the Counties of [names not entered be referred to a Committee to confider of and report to the Houfe.

Colo. *Spencer*, Chairman,

Colo. *Mees*,

Lieut. Colo. *Washington*,

Mr. *Rawleigh Traverfe*,

Mr. *Hugh Yeo*,

Major *Hill*,

Capt. *Lear*,

Capt. *Savage*,

Mr. *Warren*.

The Houfe adjourned till the third Drum on *Monday Morning September* the 30th.

Whereas there is an Order for making a Bridge over *Dragon Swamp* the North Side of which is in *Lancaster* County and the other fide where the bridge will come uncertain whether in *Glofter* or *New Kent* County *It is propofed* that all three Counties may contribute toward making the faid Bridge.

October 1, 1667.

PROPOSED That the Governor please to appoint the Commiffioners to Manage the Work but the County Courts to appoint Commiffioners to State the Accounts which being proportioned by the feveral Counties the feveral County Courts to levy it according to the Number of Tithables.

Whether the Affembly immediately by themfelves or the County Courts by power derived from them fhall appoint Commiffioners to Manage the Work.

October 2, 1667.

THE Houfe returneth humble thanks to the Honourable Governor for his care for the Regulating of the Exceffive and unreafonable Accounts of the Ordinary Keepers and humbly request his Honour and the Council to proceed by their Authority to the Speedy and Effectual Execution thereof in the County of *James City* in Imitation and Affiftance whereof the Houfe doth further request and Intend that a Law may be made for the like Courfe to be taken and profecuted in each County by the feveral Juftices.

It is ordered that the Commiffioners of *Surry* bear the charge of and make payment for a Steer preft for the ufe of their Soldiers in their Service from the Commiffioner of the *Ifle of Wight* the Sum of Seven hundred pounds of Tobacco and Cask being due to *Thomas Burlow*.

The Houfe adjourned till the Afternoon.

Whereas there hath been a long time difference depending between the Counties of *Northumberland* and *Lancaster* about their Bounds *It is ordered* that the Bounds prefcribed by a former Order of Affembly bearing date the 10th of *September 1663* be confirmed and the difference thereby concluded and determined.

The houfe adjourned.

Whereas it hath appeared that divers perfons contrary to an Order of Affembly of the 10 of *September 1663* have Erected Wares in the Face of the Town *It is ordered therefore*

therefore that each person delinquent *Viz't* Major *Theophilus Hone*, *John Barber Richard Limney* and *William Stufon* and *Griffeth Dickenson* shall immediately pay two thousand pounds of Tobacco and Cask to the County of *James City* toward alleviating the Levy of this Year.

A Committee appointed to receive the Auditor's Accounts and to enquire what Money or Ammunition there is resting due to the Country.

Colo. *Spencer*,

Colo. *Mees*,
Colo. *Kendal*,
Capt. *Lear*,

Major *Weye*,
Colo. *Washington*,
Mr. *Filmer*.

Ordered that the Hon'ble Governor be requested to Assign one or two of his Council to assist this Committee.

A Committee appointed to consult with such of the Council as the Hon'ble Governor shall appoint about Nominating the persons and Settling the power of the Commissioners for Erecting the several Forts.

Colo. *Clayborn*, Chairman,

Capt. *Bridger*,
Capt. *Jennings*,
Mr. *Allerton*,
Mr. *Traverse*,

Maj'r *Hill*,
Capt. *Carter*,
Maj'r *Walker*,
Colo. *Blake*.

Whereas Major *Thomas Walker* petitioned that according to a former Order for Encouragement of those that should plant more Mulberry Trees than was prescribed by an Act of Assembly to which the said Order had reference and showed that he the petitioner had planted More than his due and claimed the Encouragement accordingly.

The House considering that the Encouragement was to be paid out of the Fines of Delinquents which by reason of the Repeal of the Act did not become due Yet that the Petitioner or Others should not thereby be discouraged from Endeavouring any thing for the publick good have Ordered and accordingly have Ordered that 20,000 l. of Tobacco should be paid to the said Major *Walker* with all Conveniency if it may be, in *York River*, *Viz't* 10,000 l. in the Levy which shall be in the Year 1668 and 10,000 l. in the Levy which shall be in the Year 1669.

The House adjourned until to Morrow

October 3.

IT is the Opinion of the House that Mr. *Ballard's* Account what shall be thought fit to be allowed be paid out of the Publick.

Grace Powell's Petition referred to the Parish.

John Barber's Account to be regulated by the Right Hon'ble Governor and Council and by them adjudged due to be paid by the County.

John Fleet Petition referred to *York* County.

Bartholomew Enol's Petition Referred to *York* County.

Mr. *Haye's* Petition referred to *York* County. Mr. *Hone's* Committee Account referred to Committee.

Ordered That *Edward Halet* by reason of his Age Impotency and Poverty be according to his Petition exempted from payment of Publick Levies.

The House adjourned till Afternoon.

The Report of the Committee about the Fort is wholly confirmed, and being defective in appointing the time and place It is agreed the Commissioners meet as soon as possible, *Viz't* *Nancemond* Association 23 October at Mr. *Huff's* plantation. *James City* 24 October at *Westover*. *Potomeck* on the 1 November at Mr. *Nich. Owen's* Cherry point. *York* on the 21 October at *John Fleet's* *Tindal's* point. *Rapahannock* 29 October at Major *Ball's* house.

Proposed

Proposed, Whether Beacons or no Beacons.

Resolved, in the Negative.

Whether a Centry be kept at the Cape or no and continued during the War.

Resolved in the Affirmative.

May it please your Honour.

The committee upon Examination of the Auditor's Account find Charges in Capt. *Jenning's* Account twenty pounds for prosecuting of *Morris* and *Whiting* upon Report whereof to the House they have commanded us to acquaint your Honour that a former allowance of 5,000 l. of Tobacco for those and all other Publick Services had been made to Capt. *Jennings* in the last Levy they thought it their Duty to render account thereof to your Honour and request your Honour's further pleasure.

Whereas Capt. *Jennings* brought in his Account for twenty pounds for prosecuting of Mr. *Morris* and Capt. *Whiting* for which have been Satisfied in the Levy, *It is Ordered* that he make repayment thereof to the Publick.

Whereas there is in Capt. *Jenning's* Account Nineteen Pounds Seven Shillings and nine pence Charged for his Disbursements in the late troubles in *Gloster* County. *It is Ordered* that the said Capt. *Jennings* make Repayment of the said Sum to the Publick and that the County of *Gloster* forthwith pay the same to Capt. *Jennings*.

Whereas there appears due to the Country upon the Ballance of Account of Port Duties and 2 s. 8d. hhd. £265. 16s. 8d. as also from Capt *Jennings* £39 7s. 9d. from Mr. *Nich. Smith* a fine appropriated to this use by the Right Hon'ble the Governor 50 Pounds and all other Sum or Sums of Money now due to the Publick be proportionably distributed to the respective Associations towards defraying the Charge of building and Maintaining the forts and payment of all said sums to such person or persons as the said Respective Associations shall appoint to receive them in next *April* Court.

May it please your Honour

The Burgeffes having called before them *Thomas Harris* about finishing the house he undertook. *Harris* is willing to take the House upon his own account and give good Caution for payment of the Tobacco he received at four Payments which was 30,000 and Cask (besides the Encouragement) in four Years. Mr. *Hunt* offers Caution for finishing his 3 houses and repayment of the Tobacco for the two Houses Mr. *Knowles* was to build in the like to which the Burgeffes before advis with your Honor and the Council tho' it was not fit for them to assent.

That the Commissioners in each Association be employed to set a rate upon Men's Labours provisions or any other Necessaries for carrying on the work.

In regard to the Charge Sustained in the Several Counties in the late Troubles accruing due only for provisions and Men's Labours which was all rated in Tobacco would Excessively advance the Public Levy yet by other Means with much Ease be defrayed by the Several Counties. *It is Ordered* that every Court examine and Regulate the Accounts due from their Counties and that Each County support and defray its own Charges.

Upon the petition of *William Carver* it appearing that the Debt which Mr. *Crump* Claimed of the said *Carver* did no way concern goods imported into *Virginia*. *It is therefore the Opinion of the house* that the said *Carver* may have the benefit of the Act concerning foreign debts which being by him Claimed the Assembly hath *Granted and accordingly ordered* the Suit to be dismissed.

Ordered That *Richard Gotley* shall have the benefit of the Act of Assembly granting Seven Years Liberty after the date of the patent for seating the Land.

Upon the Petition of *John Ford* who hath laid long in prison because he was [un]able to give Bond with Security for £500 Sterling to answer *William Caswell's* suit who was the Attorney for *Edward Chappel* in the Island of *Saint Michaels*. This Assembly taking into consideration that neither the said *Caswell* nor any Attorney for the said *Chappel* do appear to Answer the Petition which is in the nature of an *Audita Querela* and that
the

the said *Ford* produceth two Sufficient depositions upon Oath that he had no Charge of nor did meddle nor make with such goods as the said *Chappel* impleaded him for and withal that it is improbable if not impossible that he being a Stranger here shall find any Security willing to be bound with him in so great a Sum *The Assembly do conceive it fit and accordingly Order* that the said *Ford* be set at Liberty.

Whereas Bertrain a Servant an Alien born hath long Lived in this Country a Servant and freeman and of the reformed Religion who hath a full Resolution to make his abode and to demean himself as his Majesty's true and faithful Subject hath petitioned that he might be admitted a Denizen of this Country. *It is Ordered by the Governor Council and Burgefs of this Grand Assembly and Granted* that the said *Bertram* Servant be made a free denizen of this his Majesty's Country of *Virginia* and thereby Vested and Indulged with Freedoms Liberties priviledges and Immunities whatsoever any Denizen is Caple of by Law or his Majesty's gracious declaration or anything therefrom justly inferred *Provided* the said Servant take the Oaths of Allegiance and Supremacy to his Majesty before his Majesties Commanders in the Court of that County where he inhabits.

The Petition of *Thomas Read* for Satisfaction for Several Beens by him prest for the Soldiers in *York* River is Referred to the Counties of *York* and *Gloster* County is to pay no More than for what they received of this or other Accounts.

It is Ordered by this Grand Assembly that after the Voluntary departure of the *Chiskiack* Indians for [from] a Parcel of Land of 2,000 Acres formerly granted by patent to Colo. *George Read* in *Anno Dom. 1648* Lying at *Pyankatank* That the said Colo. *Read* have a Continuance and priority of Right to the said Land according to the Original patent for the same and the immediate possession thereof.

ORDERS OF A GRAND ASSEMBLIE

Held at *James Cittie* September the twentieth, 1667:

WHEREAS the Charge Sufteyned by Severall Counties in the late troubles accruing due onely for provifions and mens labour, would if all rated in tob^o exceffively advance the publique Levie and yett by other means may with much eafe be defrayed by the feveral Counties, *It is Ordered* That every County Court examine and regulate the accounts from their Counties and that each Countie Support and defray its owne charge.

Ordered That *David Andrewes* being impreft, and haueing ferved four moneths a gunner for the Country be paid by the auditor gen^l according to the proportion of fifty pounds *ꝑ annum*.

Ordered that Cap^t *Peter Jennings* proceed to profecute all thofe perfons that haue illegally taken away any goods or other furniture out of the wrack of the frigate or other wracks, In confideration whereof and of all former Services he hath done in profecution of any Criminalls or other offenders the houle doth order and appoint for his full Satisfaction twenty pound *Sterl*: from the Auditor Gen^l

Ordered That the R^t hon^{ble} the Govern^r for the better effecting the prefent urgent affaires of the Country be requested if his hon^r think fit to continue the prefent Sheriffs in their offices y^e next enfueing yeare:

Whereas There appeares due to the Country upon ballance of the accounts of two fhillings *per hh^d* and port duties: 265^l 16^s 08^d As alfoe from Cap^t *Jennings*: 19^l 7^s 9^d and from M^r *Nicholas Smith* a fine granted to this ufe, (by the favour of the R^t hon^{ble} the Govern^r) of fiftie pounds *Sterl*: *It is Ordered* that thefe, and all other Summes of money now due to the publique be proportionally diftributed to the Refpectiue affociations towards the defraying the charge of building the feveral forts & payment of the f^d Summes made to fuch perfon or perfons as the Commiſioners of the Refpectiue affociations fhall appoint to receiue them in next *Aprill* Court.

ORDERS OF A GRAND ASSEMBLIE

Held at *James Cittie* September the 17th Ano 1668.

V PON the petition of *James Cittie* Countie that one of the Countie Brick houſes might be granted y^m for a priſon, The Affembly conſidering that fellows, and other publique priſſoners are frequentlie brought thither from all parts of the Country *haue granted, and by theſe preſents doe grant* them the uſe of one of thoſe houſes for that purpoſe for the tearme of ſeaven yeares, the Countie at their proper charge fitting the houſe for that uſe, and dureing the tearme keeping it, and when expired leaving it in Sufficent repaire, which the Burgeſſes in the Counties behalfe haue obliged ſhall be done

Ordered That the three hundred Sixty eight pounds fourteen Shillings ordered laſt yeare to haue bin paid by proportion to the uſe of the Reſpective ſforts in each affociadon ſhall now be p^d by the Collectors in each Riuer to the uſe of the forte in that River, being the Summe of Seauentie three pounds fifteen ſhillings to each forte

[From the Public Record Office, London, Colonial Office, Clafs 1, Vol. 33.¹]

To the right Worpll the Governor and Counſell of State.

The reaſons to be annexed to the anſwere of the Burgeſſes w^{ch} they haue already p^{re}ſented.

ffIRST wee humbly intreate your worps to conceive that wee cannot reſolve what quantities of tobaccoe will be yearely made in the Collony in reſpect of the vncerten number of people yearely comeing in, and the mortallity of people here farre greater ſome yeares then others. Soe that wee are not at anie tyme certain of the number of our Inhabitants. And whereas we deſire by our anſwere the free Benefitt and vſe of our Comodity, the reaſon induceing vs thereunto is, that thereby people may bee encouraged to come out of *England* to plant and inhabite here, whereby the Colony will bee the Better ſtrengthened and ſecured from anie trecherous practiſes of the Natives, contrary to wch, the reſtraynte of our Liberty of plantinge will not onely diſharten all men from comeinge hither, except ſuch as are inforced through wante and poverty But alſoe will cauſe many of the Inhabitants here to Leave this Colony, and purchaſe the free vſe of their Labour in other plantacons Soe that the Colony would bee thereby much Weakened and in ſhorte tyme, in regard of our yearely mortallity wee ſhould bee diſabled to defend our ſelves, Cattle and plantacons from the tyranny of the Indiyans. ffurther the limitacon of a Certain number of plants ꝑ poll hath already cauſed diuerſe of the Inhabitants to florike their plantacons and to neglect the fencing of grounds, the plantinge of towns, orchards and gardens, the makeinge Incloſures, and paſtures for cattle and other vſes, Being neceſſitated ffor their preſente releefe and ſubſiſtance to remove and plant vpon ſuch grounds as would yeald moſt Tobaccoe vpon a Plante although they haue ſuffered all other inconveniences thereby, and ſuch as are not able to remove from their ould and over worne grounds, are Kepte by the Limitacon of a certain number of plants ꝑ poll in ꝑpetuall poverty and Ingagem^t In regard their Labour vpon ſoe manie plants will not produce half ſoe much tobaccoe as others. And ffurther in that wee have deſired that there might bee conformity in all his Ma^{ties} plantacons ffor the quantity of plantinge. Wee conceive that the Waſt and exceſſive quantities of tobaccoe wch are yearely made in the *Cariba* Iſlands Beinge generally twice as much ꝑ poll at the leaſt as wee

1. It is not certain to what ſeſſion this paper belongs. In the Calendar of State Papers, Colonial, *America & Weſt Indies*, it is assigned, but with a queſtion mark, to the year 1667. Since, however, in the Proceedings of the Houſe of Burgeſſes for the ſeſſion of that year (given above) nothing is ſaid about this "anſwer" of the Burgeſſes to the governor and Council, it ſeems more reaſonable to assign the paper to the year 1668 or 1669.

wth the vttermoſt of our indeavours can make, hath beene the onely meanes to Beate downe the price of all Tobaccoes. Soe that wthout a conformity of plantinge in all his Ma^{ty}s plantacons there is very little hopes eyther by the lesseninge or Betteringe our quantity in this Colony, to advaunce the price.

2) *Secondly* wee humbly intreate your worps to consider howe p*ro*udicyall y^t will bee to the settlem^t of this Colony for vs to propound a ſome or ſtock of monie to bee yearly provided to take of our tobaccoes at a certen price, ffor we conceive that the free vſe and Benefitt of the trade of our comodity will much encourage perſons of quality to adventure themſelves and their eſtates hither when they ſhall haue free correſpondence wth their friends, and other adventurers in *England*, to bee furniſhed wth yearly ſupplies, and to make the Beſt profit in the ſale of their tobaccoes, And animate the moſt Induſtrious men in this Colony whoe haue partly freed themſelves from the greedy exactions of the Merchants here, by exportinge their Tobaccoes yearly for *England* to bee ſould for their beſt advantage, and returned in neceſſary commodities, and ffindeinge themſelves in ſoe good courſe have hitherto reſolved to ſettle their eſtates here for poſterity, and are thereby Enabled in their reſolutions to erect good Buildinges, plantinge and propagatinge gardens, and orchards, fenceinge and Incloſures for cattle w^{ch} are the onely motives cauſeing every man to accompte that place to bee his ſetled habitacon where hee hath ſoe voluntarily ſpente his Indeavours W^{ch} on the contrary if wee ſhall bee Denied the free comerce of our owne comodity, moſt men of ability and induſtry will converte their whole eſtates into tobaccoe and ſoe reſolve to Leave and forſake the Colony and take the oportunity of a p*re*ſent price for feare of future alteracon therein, whoſe examples, y^t is to be doubted, that all men that can will followe, ffor prooffe whereof wee can Inſtance diuerſe in this Colony whoe fearinge the abridgem^t of their former Libertyes Begin to repent their ſeverall diſburſem^{ts} ſome in good buildinge and others in purchaſinge plantacons and buyeing of cattle. Wherefore y^t is much to be feared that vnles his Ma^{ty} will bee pleaſed to continue vs in our free Indeavours the future hopes of this Colony will be utterly ſubverted.

3) *Thirdly* wee humbly intreate yo^r worps to consider howe Inconvenient and p*ro*udiciall y^t will bee to build warehowſes and to bringe our Tobaccoe to them, the reaſons wee have in parte ſett downe in our anſweres already p*re*ſented. And further the greateſt parte of the Inhabitants are in wante of Boates and not able to procure them Soe that they muſt bee inforced to imparte wth a greate parte of their croppes for the transportacon of the reſt vnto a ſtore, and when all the tobaccoes of a County ſhall be brought into one ſtore the caſualty of ffireinge the ſame, wch may bee accidentally done eyther by the Indyans or otherwiſe beſide other Daunger of ſpoylinge will cauſe diuerſe p*er*ſons to bee in continuall feare of vtter vndoeinge haueinge noe other meanes for the releefe and cloathing of themſelves, their wives children and families, then their p*re*ſent cropp. All wch hazard will bee p*re*vented by every man keepinge his owne comodity and deliveringe y^t from his howſe

4) Wee humbly entreate your Worps to conſider howe vnpoſſible y^t is for vs to giue a generall accompte of the p*re*ſent ingagemts of every particular man and the tyme when the debts were made and what thereof is vn timer, when wee conceive that the third parte of the Countreyes Debts at the leaſt were made by perſons Deceaſed, and nowe remayne to bee payed by their Executors or Adminiſtrators whoe can give noe other informacon of them then that they are ſoe much indebted but for what conſideracon the ſaid debts were made they are altogether ignorant. ffor further ſatiſſaccon Concerninge the flowerth propoſicon wee humbly referre yu to our anſwere already p*re*ſented.

5) *Laſtly* wee humbly intreate your worps to conceive that wee are noe way doubtfull of the Lord *Matravers*, or any other whome his Ma^{ty} ſhall be pleaſed to appointe for ſupplyeing vs wth a Coyne. Onely wee deſire that our coyne may bee ſomewhat neere the value, leaſt vpon anie future alteracon y^t ſhould bee a meanes to vndoe the whole Colony. And Wee conceive that the ſome of five thouſand pounds *ſterlinge* yearly (as is expreſſed in our former anſwere) will be ſufficyent for the payment of Artificers and workemen.

ORDERS OF A GRAND ASSEMBLIE

Held at *James Cittie* October the third An^o 1670.

ORDERED That the Counties of *Henrico* and *Middlesex* for their not compliance with the Lawe enjoying the election of two Burgefes be fined each of them two thousand pounds of tob^o to the publique.

Whereas some questions haue arisen whether serv^{ts} bought or other persons comeing to dwell in any familie neere y^e tenth of *June*, or whether persons by their qualities exempted from it before the returne of the accompts to *James Citty*, but after the day on which the lists ought to bee taken are titheable or not *It is hereby Ordered and declared* that every family and person of what qualitie soever shall be listed according to the Capacitie and number they are off that day to auoide all such frauds as may be used by any exceptions to that Lawe:

Whereas Sundry certificates for woolves heads haue bin presented to the Committee who not findeing them examined by their Countie Courts nor from thence transmitted to the Assembly as is by act enjoyned, *It is Ordered* That they are not to be admitted untill such examinacon made and a Returne y^r of to the next Assembly:

Whereas the Right hon^{ble} the Govern^r hath purchased for the use of the Country a great quantitie of powder and Shott amounting to one hundred fifty one pounds five shillings in part whereof there is paide; 75^l 17^s 9^d. *It is Ordered*, That 85^l 7^s 3^d be paid to Reimburse the Govern^r and that the powder and shott bee distributed to the militia of the severall Counties proportionally:

Whereas there were certaine Summes of Money disburst out of the impost of two shillings 7^d hh^d for Shott gunnes and Carriages, which perticularly belong to the Association of *York River* *It is Ordered* that the sd Association repay the Same to the Collectors out of their port duties for the use of the publique:

Ordered that 29^l 17^s 9^d paid the Gu^{er} at *James Citty* out of the Impost of 2^s 7^d hh^d bee repaid to the publique out of the port duties of that Association.

Whereas it appears that there Remaines in the hands of *Theodorick Bland Esq^r* 422^l 00^s 00^d alledged to consist in goods and debts, *It is Ordered* that the Speaker of this Assembly Capt *Robert Wynn* receive a perticular account of the same and take the goods into his custodie, and dispose of the same for the use of the Publique, and render an account of his proceedings to the next Assembly.

For Avoiding the Intricacies ariseing in accounts by transferring certificates from one Collector to another *It is Ordered* that every Shipp pay the whole duties to the Collector of that River where the Shippe rides without admittance of certificates, unless for *Potomack* who by reason of divers ships rideing in *Maryland* out of their precincts are forced to take caution and passe certificates as formerly.

Whereas the Auditor hath exhibited the accounts of the Severall Collectors to this Assembly and shewed that there is due upon ballance 723^l 14^s and all the Accounts approved by the Grand Assemblie *It is Ordered* That the Govern^r and Speaker grant him a discharge as is usuall:

Ordered That Maj^r *William Harris* for his Service in the Westerne discovery be paid 25^l L^t *Liggon* tenn pound, and the Souldiers two shillings and sixpence 7^d day for man and horse out of such goods of the Countreys as remaine in the hands of *Theodorick Bland Esq^r* And that M^r *Speaker* and Maj^r *Farrer* Auditt the accounts, see the Soldiers paid, and make Report to the next Assembly

Whereas Complaint hath bin made That divers Servants Running away into *Maryland* are there deteyned and not suffered to bee fetcht away without paying for them a greater Summe then the Servant is worth, *It is the humble request of this house* that the Govern^r hon^{rs} would please to write to the Government of *Maryland* about settling some expedient way for a more friendly correspondence in that perticular, which will tend to the mutuall benefitt of both plantacons

ORDERS OF A GRAND ASSEMBLY

Held at *James Cittie* September the 20th Anno 1671.

WHEREAS it was provided by a late order of Affembly that for avoiding confusion in the Collectors accounts noe certificate should be admitted but the impost of the whole Shipp loading be paid for at the port, where the Shipp rode, with an exception of the Collectors of *Potomack* river who are forced to continue that course by reason the greatest part of their Tobacco is fetched away in Sloops now all the County of *Northampton* being in the same Condition, *It is Ordered* that for the prevention of Fraude each Sloope fetching Tobacco from thence may pay the duties to the Collector there; and y^e Collector bee accomptable to the publique and his Certificate allowed by the Collector cleering the Shipp

Whereas the inhabitants of *James Cittie* haue humbly petitioned this Affembly that they may haue Licence to repaire their wooden houses, The Affembly takeing their reasons into consideration haue thought fitt to grant them libertie to repaire their old wooden houses but not to build any new ones under the pennaltie imposed in the act

Vpon ferious and mature deliberation of the present condition of the forts built in the Severall Rivers in this Country *It is Ordered* by this Grand Affembly that noe further reparation shall be made of the forts already built in the Countrey but what shall be substantially done wth brick unless in such places where the expence of a small matter may prevent a demolishing untill such time as the stock of the respective affociations shall amount to foe considerable a Summe, as may render them capable to erect substantiall structures of brick That in the meane time each affociacion make choice of Some reipsonible person or persons in whose hands the money raiseing by the forte duties may be deposited which person, or persons may bee further required to giue securitie to the Commissioners of the affociacions intrusting and empowering him or them to collect the same, to render them a just account whenever required, and to make payment of the moneys received according to their order, *and it is Ordered* that all such officers as attend upon the forts bee either continued or discharged at the discretion of each affociacion; And because there hath bin some discontinuance of the meeting of the Commissioners appointed to take care of the concernes of the forts, and in this time some dead, some departed out of the Country; *It is Ordered* that upon the dayes named there bee in each affociation a meeting of the Commissioners, in case of whose death or absence the County Court for that Countie they served are hereby required and empowered to make choice of others according to act of Affembly to consult & determine of a person or persons to be treasurer or treasurers of that affociation, and of all other matters and things incident to the full putting this order into effectuall execution, and the act of Affembly to which it relates by result of which Commiçoner or the Maj^r Part of them, or such person or persons as shall be deputed, all things as afforesd are from time to time to be acted and Ordered

**Ordered* that the commission of the affociations, *vizt.* *James City* ffort doe meet at the ffort the day of and in case of bad weather the day following.

of *Nansmond* ffort doe meet at the same ffort the 6th of *November* next and in case of bad weather the day following

of *Yorke* ffort do meet at the same ffort the day of and in case of bad weather the day following. The same for *Potomack* the 20th *November* and *Rapahanock* the same day.

Whereas

* This order is not given in the transcript from the Public Record Office but is copied from *Hening*, II, 292. *Hening* also prints two of the other orders of the session.

Whereas There is at present an emergent occasion of representing to his Ma^{ty} by supplication & addresse the great obstructions of the prosperitie of this Country in generall, and peticularly the dammages like to be sustained by the inhabitants of the Northern parts, by the alteration of their Tenures, and aliena^{ti}on from their immediate dependence upon his Ma^{ty} by the interposure of the new grants, frustrating those gracious favours formerly conceeded (according to his Ma^{ties} instructions by his Govern^r and Councill here, as alsoe by the Grants of some Commi^{ss}ions we conceive obtained under Cullour of promoting his Ma^{ties} Service, how prejudiciall soever they bee to the propertie of his Subjects *It is Ordered* by this Grand Assembly, That the Govern^r hon^r doe please with M^r *Secretarie* & the Service of *Henry Randolph* Clerke of the Assembly to cause an humble peti^{ti}on, and addresse shewing these, and all other grievances of this Country to be represented to his Sacred Ma^{ty} by Maj^r Gen^l *Smith* whoe is hereby ordered to be impowered to negotiate the publique affaires in *England* according to the instructions shall be given him, for whose support in that affaire they think fitt and doe order to be paid him soe soone as he arrives in *England* two hundred pounds *Sterl*: And it is further Ordered by this Grand Assembly, That for rendring this addresse the publique act of the Country his hon^r would be pleased to appoint the twentie fourth day of *January* next for the time whereon the present Speaker Cap^t *Rob^t Wynne*, Cap^t *Joseph Bridger* and Maj^r *Nicholas Hill*, Members of the house of Burgeses shall attend his hon^r to peruse the Supplication and addresse, and the instructions, and that his hon^r for himselfe, Mr. *Secretary* for the Councill, Mr. *Speaker* for the house of Burgeses doe Signe them:

Whereas There hath bin raised of Late 10,000^{lbs} of tobacco p^{a} annum as Sallary pretended due from the Country for auditing the Sherriffs accounts of the publique Levie, by vertue of a Commi^{ss}ion from his Majestie, which this Grand Assembly conceiue to be surreptitiouly procured, and the s^d Sallary soe imposed very prajudiciall to the propertie of the people *have Ordered*, and hereby doe Order that for the future the Sherriffs and Collectors Render account of their Collections of the publique Levie to the County Courts, and that henceforward noe such Sallary be Levied by the publique.

Whereas the hon^{ble} *Edward Diggs* Esq^r hath bin the author and promoter of a hopefull advantagious designe of makeing silk, and hath rendred other important Services to the Country, *It is Ordered* by this Grand Assembly, That as an Evidence of their gratitude he be paid one hundred pounds *Sterl*: out of the two shillings p^{a} hh^d

Ordered That M^r *Blands*, and all other ballances due from any persons upon the account of the two shillings p^{a} hh^d be paid into the hands of the honorable *Edward Diggs* Esq^r for the use of the Country, excepted M^r *Speakers* 42^l 16^s 7^d which is already Satisfied the Countrey in y^e Levie.

ORDERS OF A GRAND ASSEMBLIE

Held at *James Cittie* September the twentieth fourth: Anno: 1672:

ORDERED by this Grand Affembly that an Addresse be made to the Kings Ma^{ty} humbly shewing what we haue done towards the defence of his Ma^{ties} Country, and that wee finde our abilities to fall farr shorte, of what the exigence of the Country will require humbly praying, that his Ma^{ty} will graciously be pleased to grant us Artillery with armes for horse and foote and y^t S^r Henry Chichley L^t Generall of this Collony be desired to write to, and endeavour with the master of the ordinance to moue his Majestie in the matter:

Ordered That if any Sherriff in time to come shall presume to make a false Returne of any Burgesse and be thereof legally convict, shall be fined twenty thousand pounds of tob^o

Vpon the humble petiçon of the inhabitants of *James Citty*; they are permitted to build out houfes of Timber, *Provided* they are not adjoyning to any dwelling house, and that noe fires be made therein unless the houfes shall haue brick Chimneyes.

Ordered by this Grand Affembly that twentieth six pounds of Tobacco ꝑ pole be Levied and raised in the severall and Respective Counties in this Country, and six hundred seaventy two pounds of tob^o for and towards the payment of the publique disburfments this yeare.

[From the Public Record Office, *London*, Colonial Office, Clafs 1, Vol. 30.]

To the Kings most Sacred Majestie

Your Ma^{ties} Governo^r Councill and Burgeses of your Colony of Virginia.

Most humbly do present

THAT on the 24th of *June* last yo^r Ma^{ties} declaration of Warr against the States Generall of the United Provinces and their Subjects dated at *Whitehall* the 17th of *March* 1671/2 together with yo^r Royall Commands thereupon, directed to yo^r Ma^{ties} Governo^r and Councill arrived here And that in humble obedience thereunto, on the fourth of *July* next following, Warr was declared here in the usuall Places & manner against y^e said States generall and their Subjects, and for the better profecution of the same, order hath been taken so farr as Wee are possibly able, to put this Colony into a Posture of defence, by hastning the repayre of Our Forts, Mustring our Land Forces of horse and Foot and fixing our Armes. But maie it please yo^r Ma^{tie} vpon Consideration of the whole charge and present Low Value of our Tobacco, Wee find Our Selves unable at Our owne Charge to provide such a Magazine of Artillery and Armes for horse and Foot with Shot and Powder as may so Securely defend us & the Ships trading to us as your Ma^{tie} may expect and Wee desire. And yo^r Ma^{tie} having in yo^r Royall Letter graciously promised us your Favourable Assistance, in all our necessities, Wee beleive it Our Duty to present Our Condition to your Ma^{tie} and to pray That your Ma^{tie} wil bee graciously pleased to grant Us Such a supply as may bee Sufficient for Our defence against any Enemy; The particulars whereof Wee have desired S^r Thomas Chicheley Master of your Ma^{ties} Ordnance to present to your Ma^{tie} which if your Ma^{tie} shall please to graunt us, Wee doubt not but to defend our Selves against any of your Ma^{ties} or our Enemies.

God

God of Heaven preferve your Ma^{tie} and graunt That all your Consultations and
 Actions may encrease your Glory and the Good of your Subjects, amongst whom are

Your Majesties

Most humble and Loyall

Servants & Subjects.

Will: Berkeley

for the Councill

Tho Ludwell Secr.

for the Burgeesses
Robert Wynne Speaker

[From the Public Record Office, *London*, Colonial Office, Class 1, Vol. 30.]

Most honoured S^r

VPON the arrivall of his Ma^{ties} Declaration of Warr and his Royall Commands,
 Wee (so soone as wee could) declared Warr against the *Dutch*, and applied
 Our Selves to the repaying Our Forts viewing Our Militia and Armes, Stores
 of Amunition, and upon the whole do find some want of Gunns for Our Forts,
 Musquets, Swords, Pistolls and horse furniture, with great Shott & powder, which wee
 are the less able to provide our Selves of, by the extreame low Value of our onely Commodity
 Tobacco, and therefore Wee have drawne the State of Our condition and pray a Supply
 from his Ma^{tie}, which Wee have presumed to enclose to yo^u desiring your favourable
 assistance in presenting it to his Ma^{tie} and procuring for us y^e Supply wee desire Which
 for all Our Forts cannot well be less than Fifty pieces of Ordnance Twenty whereof
 should bee Demi Cannon and whole Culverin because Our Rivers are wide, with Shot
 and Powder proportionable and Carriages. One Thousand Musquets and as many
 horse Armes with Swords. Forty Barrells of Powder as a Supply to what Wee have
 sent for: S^r The noble Character yo^u beare doth assure us yo^u will give us your best
 assistance, and yo^r Brother S^r *Henry Chicheley* Lieuten^t Generall of This Colony hath
 promised to use his Interest in yo^u on our behalf, to whose Letter Wee shall referr yo^u
 for a more perticular acco^ut of our Wants and trouble you no further, but with an assurance
 That Wee shall alwaies acknowledg your Favour herein. and remayne,

Most honord S^r

Your most humble Servants.

William Berkeley

for the Councill

Tho. Ludwell Sec^r

for the Burgeesses

Robert Wynne Speaker

ORDERS OF A GRAND ASSEMBLIE

Holden at *James Cittie*. October the 20th Anno: 1673:

ORDERED That for all such Tobaccos for which the dutie of two Shillings ꝑ hh^d hath beene paide, and lately taken by the enimie, soe much may be reladen free and acquitted from the dutie. *Provided* That the person that claimes the benefit hereof doe make his quantitie laden and lost as afforesd appeare by his oath, the Collectors Certificate, bill of Loading or either of these three wayes:

Ordered that some persons may be qualified by the R^t Hon^{ble} the Govern^r to treat with y^e Govern^r of *Maryland* for the Prevention of the Clandestine Marriages of persons belonging to *Virginia* by Priests and Minnisters there.

Ordered That The Charges of a Burgees with his man and two horses in going to and from the Assembly, as also the charge of the fst Burgesse with his man and two horses abiding during the Session, are intended and meant in and by the act which ascertaines Burgessees necessary Charges over and besides the personall expence of one hundred and fifty pounds of tob^o ꝑ diem mentioned in that act And it is further Ordered, That those Burgessees who haue not bin allowed by their Counties these necessary charges by reason of any misconstruction of the Lawe be accordingly reimbursed their reasonable Charges in this behalfe sustained

Ordered That M^r Speaker be impowered, and he is hereby authorized and impowered to ask demand and recouer of and from the administratrix of *Henry Randolph* deceased, certaine Tob^o & money from him due to the publique, and vpon receipt thereof in the name of the Grand Assembly to paie release.

Ordered That M^r Secretarie be assigned the Eastern garret over the Statehouse to make an office of.

Whereas Sundry impotent persons haue petitioned to be exempted from payment of Levies in this case *It is Ordered* That the respective vestries and Countie Courts may leaue such out of their lists of tytheables as they shall see fitt

Ordered That noe importaçon of horses be admitted contrary to the act:

Ordered That the Govern^rs hon^r doe dispose of fifty pounds *Sterl*: out of the impost of two Shillings ꝑ hh^d yearly amongst such gentlemen of the Councill who shall attend the business of the Assembly after the Gen^l Court business is dispatcht for the future

Ordered that Noe Collector of the duties of two Shillings ꝑ hh^d be henceforth allowed two and a halfe ꝑ Cent for such small bills as they shall take in their collection unless they shall make it appeare that they haue actually paid or allowed for receiveing the same mony in *England* after all deduction of payments by discount here, in *Virginia* haue bin maide.

Ordered That the Countreyes Agent in *England* be advised to moove his Sacred Ma^{ty} That his Majesties Attorney Gen^l for this Collony, may be paid out of his Ma^{ty}s Revenue here.

Whereas This Assembly hath made allowance in the publique Levie for provisions, Pylotage Sloopes and boates pressed and hired for the Kings Shippes, alsoe for releife and accommodation of sick and wounded men from aboard the sd Shippes *Ordered* that noe such charge for the future be imposed upon the Country:

Ordered That Two hundred pounds *Sterling* be presented to the R^t hon^{ble} the Govern^r as a Gratuitie from this Country:

Ordered That one hundred pounds be paid unto S^r Henry Chichley L^t Gen^l

Ordered

Ordered That one hundred pounds be transmitted to the Agent in *England* for his present supply

Whereas the Govern^r hon^r hath bin pleased to offer unto the Countrey the Loane of twelve hundred pounds *Sterling* to buy out three of the Pattentees of *Rappahannock* neck for the use of the Country: *It is Therefore Ordered* that his hon^r doe proceede in the sd Purchase to y^e use of the Country: And that the sd money shall be repaid unto him by the Country together with eight $\frac{3}{4}$ Cen^t Annuall advance untill the same be fully Satisfied.

Ordered That fifteen pounds of Tob^o $\frac{3}{4}$ pole be raised and Levied upon every Titheable person in this Collony for the discharge of the publique Debts, which haue accrewed this present yeare, And that the same be paid to the Sundry persons in the list of the levy mentioned.

ORDERS OF A GRAND ASSEMBLIE

Held at *James Cittie*: September the twentieth first Anno: 1674:

ORDERED That the honorable Coll^o *Francis Morrison*, M^r Secretary *Ludwell* and Major Gen^l *Robert Smith* Esquires be the Countreyes Agents to negotiate our affaires in *England* joyntly if they are on the place or severally in case of death or absence of any of them.

Ordered That one hundred and fifty pounds a peece be this yeare sent to the Acceptance of Coll^o *Morrison*, and Maj^r Gen^l *Smith*, and one hundred and fifty pounds a peece the next yeare, or such further gratification as shall be thought due by the Grand Asssembly to their Qualitie, care endeavour and Succes in this affaire

Ordered That the honourable M^r Secretary *Ludwell* and Coll^o *Daniell Parke* Esq^r shall be accounted and deemed, and they are hereby constituted the Countreyes Assignes to receive all Summes of money as shall from time to time be transmitted and sent into *Englang*, for the use of the Grand Asssembly, and to pay the money from time to time to the Agents and take their receipts or otherwise be accountable to the Grand Asssembly:

Ordered that in case the Agents shall want or find it needfull to borrow one thousand or two thousand pounds *Sterl*: That then they be by the Authoritie of this Grand Asssembly fully impowered to borrow the same on the publique faith of the Grand Asssembly, who doe hereby oblige themselvs in the name of the whole Country to Repay the same with interest at 6. $\frac{3}{4}$ Cent for a yeare and soe for a Longer time, And if any person or persons within this Collony, shall Lend any Summe or Summs of money to the Publique, for the better Carrying on of the Afforesd Agency, This present Grand Asssembly doe likewise engage the publique Faith That Such person or persons soe Lending their money shall be reimbursed the same, with six $\frac{3}{4}$ Cent: for the same for every yeare they shall be out of their money, And that if they bring in their bills of exchange to the Respective Collect^{rs} emitted to M^r Secretary *Ludwell* and Coll^o *Daniell Parke*, the Receipt of such Collectors shall be Sufficient proove of their debt, And the sd Collectors to giue account of such bills Sent for *England* as aforsd and giue in the Remaining bills to the Next Asssembly, And that in Case there shall appeare a necessitie of it before the next meeting of the Asssembly the R^t hono^{ble} the Governour is hereby desired to appoint some person or persons in every precinct to endeavour the taking up of Such Summe or Summes of mony, as shall appeare Necessary upon the aforsd publique Securitie.

Ordered That the respective County Courts at their Levie doe pay and allowe to their Burgeesses the just and Reall expence of his man and horse at *James Cittie*; *Provided* the sd Burgeesses, deliver in the account thereof upon their Reputa^{con}:

Ordered That the Govern^{rs} hon^r take Seaventy Seaven pounds Tenn Shillings and three pence which is due from the associa^{con} of *James Cittie* fiorte in Liewe of seaventy pounds his hon^r was pleased to giue Cap^t *Gardiner* and Cap^t *Cotterill* last yeare

Whereas M^r Secretary hath Complained to this house that by the mallice of Some and ignorance of others who envie the peace and happines of this Collony, it hath bin whispered about this Country, that he the sd M^r Secretary is suspected to haue had private correspondency with y^e Lords *Arlington* and *Culpeper*, and haue bin a Secret Promoter of that patent by them lately obtained of his Sacred Ma^{ty} This Asssembly thereupon haue thought fitt to declare that they are abundantly Satisfied of the true Loyaltie; great affection, and good Service of y^e sd M^r Secretary highly manifested to this Collony, and doe therefore adjudge and declare the sd Reports and Whispers to be

be most false and Scandalous, and that the fomenters thereof when knowne and discovered be proceeded against as enemies to the peace and wellfarr of this Country.

The affront offered to the Grand Assembly in the person of the hon^{ble} M^r *Secretary* by *Gyles Bland* during this Session is highly repented by the house of Burgeffes, and for as much as the sd *Bland* is not in Towne, and the Session neere upon Closing, before he can be sent for, The house therefore doe request the R^t hon^{ble} the Govern^r to issue forth his mandate for the appearance of the sd *Giles Bland* before his hon^r and the Councill of State, the next gen^l Court, in order to a Vindication of the Grand Assembly.

Ordered That the R^t Honourable the Govern^r be presented with two hundred pounds *Sterling*: As alsoe one hundred pounds to the hon^{ble} S^r *Henry Chichley* to be payde out of the Collection of two shillings ꝑ hh^d

Ordered That all the Undertakers present their bills of exchange to the Respective Collectours by the fifteenth of *January* next, and that the sd Collectors transmitt them to M^r *Secretary* and Coll^o *Dan^l Parke* the Countryes assignes for Receiueing the money for the publique use of the Country:

Ordered That Twelue pounds of Tob^o ꝑ pole be levied of and from every Titheable person within this Collony, and the same payde to the Severall persons Concerned for and toward the defraying the publique Charge of the Country this present yeare.

[Three of the orders for the *October* 1674 session are given on p. 325 of Vol. II of *Hening's Statutes at Large*. On the same page is given an extract from the Journal for that session as follows:

Die Jovis, October 8th, 1674.

To the proposition from his honour and the councill to ascertaine the fee of a coroner, *resolved by the house of burgeffes* that it be officiated as formerly by the next justice of peace, who is impowered to direct his warrant to the constable or any other person as he shall thinke meete, to empannell a jury of inquest, for which noe fee to be allowed.

The assembly is adjourned till the three and twentieth day of *March* which shall be in the yeare 1675, unles there shall be occasion to call it sooner.]

ORDERS OF A GRAND ASSEMBLIE

Holden at *James cittie*. the Seauenth day of *March*. Anno 1675.

WHEREAS by an Act intituled, *An act for the Safeguard and defence of the Country against the Indians*: Severall quantities of ammunion haue bin proportioned to certaine forts therein named over and besides which quantities there remains the quantitie of about 3051^{lbs} of powder it is therefore Ordered that the same be distributed amongst the Severall Counties

Vpon the Petition of the Appomattuck Indians It is Ordered That Peracuta an Appomattuck Indian by those Indians presented be confirmed their King, that they may have licence to plant and cleare any land not already taken up by the *English*, and that their old Towne be not fired by the *English*, That care be taken to prohibit firing the woods to the prejudice of those Indians, that they may undisturbedly fish and gather Rufhes on the heads of the Rivers, provided they come in a peaceable manner and unarmed, And that the like libertie be granted to all other, who are ready to give hostages

Ordered That all Courts of Judicature in the Country take Care that noe intrenchment be made upon the Indians Lands which haue bin sett out to them by Act of Assembly or any other legall Graunt.

Whereas this Assembly thinks it not to consist with the Reputaçon and Safetie of the Country, that these times the person of his Majesties Govern^r of *Virginia* the R^t honourable S^r William Berkeley Kn^t be without a Standing Guard, It is Ordered, That twenty four men be appointed constantly to attend his hon^r and to be paid by the publique after the rate of 1500^{lb} Tobacco with cask ꝑ annum, and that 24000^{lb} be paid to the Govern^r hon^r if he please to accommodate them at the *Green Spring* with provissions.

Ordered That the Vndertakers doe now pay their moneys still due and that the County C^{tes} where the Sherriffs or Collectors haue bin delinquent be strictly enjoyned and required to enquire into the delinquency, and see that the sd Sherriffs or Collectors pay the residue of the sd 50 ꝑ pole and where the Sherriffs or Collectors shall be insolvent, there, their securities to be lyable, and if the Securitie faile Then the County Courts to pay the same.

[On pp. 339 & 340 of Vol. II of *Hening* there is the following additional order:

Ordered that the late act for provideing armes and ammunion be putt into strict and effectuall execution, alsoe that the county courts and militia officers see the smyths accounts for fixing armes, be putt into the collection, and that they be paid according to the act.

This assembly adjourned till the fifth day of *October* next, unless his honour see cause to convene it sooner]

ORDERS OF THE GRAND ASSEMBLIE

Held at *James Cittie* the fifth day of *June Anno 1676*:

ORDERED That noe Coll^o of a Regiment either horfe or foot shall make any gen^l muster of their respectiue Regiments aboue once a yeare except upon emergent occasions, or order from their Superiour officers:

Whereas the affociation for the Lower parts of *James River* Complaine that feverall Sum^s of tobacco haue bin disbursed towards the building of a fort at *Point Comfort* which fort being never built, *it is therefore Ordered* That the Iustices and Burgeffes of the Respective Counties make strict enquirie what tobacco was paid and to whom, and that Report be made thereof into the next Affembly.

Ordered That the Iustices of the respective Countie Courts, and Burgeffes make a strict enquiry into the prices of all such armes as are or shall be brought into the Severall Counties, and if over rated to regulate them.

It is thought fitt and humbly desired that Letters bee addrested to his Sacred Ma^{ty} for a Speedy supply of armes and ammunition.

Ordered That Noe Tobacco be Levied in any County for the Commi^oners of the Affociations, but that it be Satisfied out of the fort duties, and that Such expences be noe more then what shall be necessary:

Whereas This Grand Affembly is informed that over and aboue the Com^oanders and Soldiers by a law of this present Sessioⁿ to be raised there may probably offer themselves divers gentlemen and Soldiers as Reformades, Volunteers or Privateers, who will for the Service of the Country against y^e Common Enemy first haueing granted to them lawfull Commi^ons from the R^{ty} hon^{ble} the Govern^r and Cap^t Gen^l of *Virginia*, barely for the Reward of all lawfull plunder of Indian Enimies Captivated or other goods belonging to the sd Indian enimies, and without any further Reward or Charge from or to the Country, or any part or people thereof, march out and endeavour to kill and Captivate the Com^on enemie

Ordered that the R^{ty} hon^{ble} the Govern^r be requested at his owne discretion, and with such Limitations as his hon^r shall think fitt, to grant Such Commi^ons for the beating of dru^ms, and raising volunteers for Such Service as afore^{sd}, and further that his hon^r bee and hereby is requested to insert in such Commi^ons a Limmita^on of men, by each perticular Commi^on, to be raised, & confinement of the place or places wherein to raise them, least upon a further need of forces to be raised by y^e Country, the great number of volunteeres, who probably may act more for there perticular interests then the Common good, make the same difficult. And further that his hon^r be requested in all Such Commi^ons as he shall graunt, strictly to prohibit the falling upon or injureing in any sort any Indians, who are and continue in friendship with us, and that noe such Commi^on be granted before the Countries forces be raised and Settled:

Ordered That the lifts of Titheables this present yeare be taken on or before the 10th of *July*.

Ordered That the Iustices together with the Representatives in each County make strict enquiry what Lands moneyes or other estate reall or personall within their Counties haue at any time heretofore bin given taken up or laid apart for any Charitable or Pious uses, or for other publique benefitt, and report the same into the next Affembly.

Ordered That noe boates, men or horfes be imprest for the execution of any publique dispatch, from *James Citty*, but such onely as belong to the Citty and County of *James Cittie*; And if any Sherri^{ff} or other officer shall offend herein he shall be fined one thousand pounds of Tob^o

Whereas

Whereas the R^t Honnourable S^r William Berkeley Kn^t our good Governour hath for many yeares most wisely, gratiouſly Lovingly and juſtly governed this whole Country, and ſtill continues to governe the ſame with all poſſible prudence Juſtneſs and mercy This houſe in a deep Sence of the premiſſes doth humbly intreate and requeſt his hon^r that he will pleaſe ſtill to continue our Govern^r And this houſe doth further heartily declare that they cannot Conſent or joyne with his Hon^r in petiſioning the Kings Sacred Majeſtie for his hon^rs remoovall from this Government, but on the Contrary in all humbleneſſe and due Submiſſion earneſtly petiſion his moſt Sacred Ma^{ty} that he will gratiouſly pleaſe ſtill to continue S^r William Berkeley Kn^t our hon^{ble} Govern^r*

[From the Public Record Office, London, Colonial Office, Claſs 1, Vol. 41.]

Die Sabati June 24^o 1676

By the Houſe of Burgeſſes

WHEREAS this Houſe hath conſidered the Compl^t of the people of *Henrico* Com. againſt Cap^t *Tho: Gardner* for Violating the priviledge of a Burgeſſ in the perſon of *Nathaniell Bacon* Eſq returned from *Henrico* Com afforſd to Serve in this houſe, and of damadges about a Sloope by him the ſd *Bacon* Suſteined and the loſſe of armes. *This houſe doth Order* that for Reparacō of the ſmiſſes the ſd Cap^t *Tho: Gardner* pay unto the ſd Eſq *Bacon* Seaventy pounds and further that he apply himſelf to the ſd Eſq *Bacon* and the people and Crave their pardon: And that uppon Such payment and Submiſſion the ſd Cap^t *Gardner* doe take hold and enjoy the afforſd Sloope and armes (wherſoever they ſhall be found) as his proper goods.

[From the *DeJarnette* Transcripts, II, 366 ff.]

We yo^r Maj^{ties} moſt Loyal Subjects Y^e Governo^r Council & Burgeſſes of y^e Grand Affembly of *Virginia*.

In all humble manner preſent according to o^r bounden duty In y^e moneth of *March* laſt we carefully tranſmitted to yo^r Sacred Ma^{ty} y^e ſtate & condicon of this yo^r Mat^{ies} Colony of *Virginia* which we hope long long ere now hath approached yo^r Royal view. Therein was ſet forth before yo^r Mat^{ies} y^e Tragical Narrative of many cruel Murders perpetrated by our ancient treacherous bloody enemies y^e Indians & of y^e Preparacons we were making for taking ſatiſſaccon of them & to ſecure y^e frontiers, it did then (may it pleaſe yo^r Ma^{ty} ſeem fit to y^e Grand Affembly not to raiſe a flying Army but y^t certain Forts or defenſible places ſho^d be ſettled, which method of war whether it would at this time have proved of advantage or not, we have not y^e opportunity to know, for it met with y^e univerſal diſlike of the people throughout the Countrey And accordingly was laide aſide or at moſt very ſlowly perſecuted, the enemy fought all advantages Cut off many of our people, great bodies of y^e enemy got togeth^r & are expected to attempt upon us Such was y^e Terrou^r & conſternacon of o^r own people in y^e frontier Countreys that before any regular Army by y^e legal authority of y^e whole Countrey could be form'd thoſe Counties took y^e alarm & got together in Arms Applying themſelves to *Nathaniel Bacon* Eſq^{re} Requeſting him to undertake their defence & lead them forth againſt ye

comon

* On the copy of the orders of this ſeſſion of Affembly ſent to *England*—in 1678—appears the following note:

All the Acts and Orders of this Affembly are Repealed and made null and voide by his moſt Sacred Majeſties inſtructions and proclamacon, and alſo by the fourth act of the Affembly, bearing date at *Green Spring* the 20th day of *February* Ano. 1676 / 7, intituled, *An act declaring all the Acts, Orders, and Proceedings of a Grand Affembly held at James Cittie in the month of June 1676, Voide, null, and Repealed.*

common Enemy, thereby to divert and prevent their Incursions Mr *Bacon* having some of his family slain by the enemy found himself & his family in danger. Complied with the desires of y^e People when ye fears of the people were awaken'd. All y^e circumspiceon of yo^r Ma^{ties} Governo^r was rendered fruitless, who having his eyes over all parts of y^e Countrey with Indefatigable Industry was providing for y^e universal safety & those peoples forwardnes to action Anticipating ye Gov^{rs} comands together with y^e concourse of the people from other parts caus'd Apprehensions to arise that all was not well in y^e Intencons of y^e Leader which was not a little cherish't by some who maligning y^e Person of Mr *Bacon* had represented him as disaffected to y^e Governm^t and one of ill designs which upon a full Disquisition & personal Applicacon of y^e said Mr. *Bacon* appear'd Groundless, who thereupon was restored unto y^e Governo^rs favour And (may it please yo^r most sacred Ma^{ty}) the said Mr. *Bacon* having fully Manifested his Intencons by effectual service & execucon done upon y^e Enemy the forward proceedings of y^e people though somewhat irregular in y^e method of their p^rceedings yet not in y^e Matter, which we since have found manifestly sincere & loyal—The several appearances of y^e Enemy upon & almost round our Borders, their daily mischiefs, y^e treachery of o^r pretended friends y^e Indians unto us Compell us to p^rsecute a Just war To which purpose yo^r Ma^{ties} Grand Assembly are now conven'd at *St James City* & considering y^e activity of y^e s^d *Nathaniel Bacon Esq^r* y^e great forwardnes y^e People almost universally discover in offering unanimously to be led by him as Voluntiers against y^e common & Implacable Enemy And being fully & sincerely satisfied of y^e true Loyalty of y^e said *Nathaniel Bacon Esq^r* to yo^r most sacred Maj^{ty} & good affection to this service & governm^t We Yo^r Ma^{ties} Council of State for this Countrey & the house of Burgeesses have made it o^r humble request to y^e Right Honorable yo^r Ma^{ties} most Prudent Governo^r to Issue forth a Comission to him y^e said *Nathaniel Bacon Esq^r* to be General & Comand^r in Chief of y^e forces to be imploy'd in this Indian War which was done accordingly And we are in great hopes by y^e assistance of Almighty God in some short time to give yo^r Ma^{ty} an Accompt of good Execucon being done upon them For which & for y^e long & happy Reign of yo^r most sacred Ma^{ty} are y^e Incessant Prayers of

Yo^r Ma^{ties} Loyal & Obedient Subjects

William Berkeley

Thomas Goodwyn, Speaker

Dated at *St James City* June ye 25- 1676.

AT A GRAND ASSEMBLY

Begunne at *green Spring* the 20th day of *ffebruary* In the twenty ninth yeare of the Reigne of our most gracious Soueraigne Lord *Charles* the second (by the grace of god) of *England Scotland ffraunce and Ireland* King Defender of the faith. &c

Theise ffolowing Orders were made

WHEREAS it appeares that there are feuerall Considerable fumms of money, accruing for the Castle duties and head money, belonging by former Acts of Assembly to the feuerall Affociacions, wherein the same Accrued due, *It is ordered*, That all and euery such summe or fumms of money already Collected, or which shall hereafter bee Collected, either for forte duties or head money, Bee by the Commissioners of the feuerall affociacions, with all possible expedicion demanded and receiued, out of the hands, of the Respective Collector or treasurers of the same, and forthwith distributed in equall proportion, according to the number of tythables in each Countey belonging to euery Respective Affociacion into the hands of the Iustices of that County and by them Immediately vppon receipt thereof, paid away for the easing and defraying of the Countyes Charge, and whatsoever Collector or treasurer in whose hands any of the said money, is now lying or shall hereafter Come shall either refuse or delay, to Bee duly accountable for the same, to the Comissioner of the Affociacion to which it belongs, And to make present payment thereof according to the order and directions of the said Comissioner, to Bee presented as Contemnners of Authority, and lyable to Bee sued in any Court of Record for the same together with Interest and damages to Bee recouered agaynst them for delaying and holding the same in their hands, Contrary to such aforesayd order, And that whensoever it shall bee required, that fortes shall bee Built then each County make payment backe to the Comissioner of their affociacion of all such summe or fumms of money as they shall haue receiued, that the same may bee Employed and made vse of, towards the building and mantayning of such fort and for the tyme to Come, whatsoever moneys shall arise, for forte duties and head money and shall not bee expended to the vse of the forte of that Affociacion, that the same bee once euery yeare, in the months of *october* or *nouember*, proportionably payde to each County for the vses aforesaide, and also that the like distribucon, bee made in the Countyes of *Northampton* and *Accomacke*, and that hereby the Comissioner of each respective affociacion are Inioyned to meete the 22th of *May* next at the vsuall place of meeting, there to Call for such accotts, and make such distribucon as is aforesayd, and if any such Comissioner shall fayle to meet, then the Numbers mett (not being lesse then three) are Impoured to demand such accotts, and make such orders & distribucons as aforesd

It is ordered, That all persons haue hereby Liberty, to sell armes or Ammunition, to any of his maiestyes Loyall Subiects inhabiting in this Collony; And that the Indians on the Easterne shore, haue like and equall Liberty of trade, or other wayes with any other our freinds and neighbour Indians

It

It is ordered That An acco^t of the Charge of the warre ag^t the *Sufquchanoc* Indians bee produced examined rated, & reasonable Charge allowed, and borne by the publike.

It is ordered That the prouisions Armes Amunition, horfes horfe furniture, and necceffaries for the Indian warre, raifed and sent forth, by Each Refpectiue County, by vertue of the Acts of Affembly made In *June* laft for the firft two months, Bee borne and payd by each refpectiue County, and allfoe thofe northerne fouldiers vnder Comand of Coll *Gyles Brent* who did onely ferue ag^t the Indians, and did retorne to their due allegiance, and obedience when Coll *Gyles Brent* layde downe his armes, and had promife from the northerne gentlemen and magiftrates for their pay Bee paide by their refpectiue Countyes *It is ordered*, And that all fuch as were sent Burgeffes from their feuerall Countyes to the faide Affembly in *June*, and haue fince behaved themfelues, all along Loyall to the King, and obedient to his gouernor, and did not oblige themfelues to the people to Beare their owne Charges, Bee payde their full pfalery according to the feuerall former Acts and Orders of Affembly in fuch Cafes.

It is ordered, That for the future all County Court Clerkes, are obliged at any tyme (when demanded) to giue a Coppy of the Lift of Tythables in that County to any houfekeeper that fhall require the fame, hee paying for the fee twenty pounds of tobacco and alfo a Coppy of the County Leuie to euery houfe keeper in that County who fhall demande the fame, for the like fee of twenty pounds of tobacco.

It is ordered, That all fuch fouldiers, either already haue taken, or hereafter fhall take priffoner any of our Indian Enemy, or any other Indian plunder, and att the tyme of taking fuch Indians or Indian goods, then were or which fhall hereafter, bee vnder a lawfull Comand from due and full Authority, that they reteyne and keepe all fuch Indian Slaues, or other Indian goods, as they either haue taken, or hereafter fhall take, to their owne proper vfe for their Better Encouragement to fuch fervice

It is ordered, That *John Newton*, who lately Came ouer from *Maryland*, married in this Collony, and purpofes and promifes a fettlement of himfelfe and family here, haue full force and fafe lyberty, to tranfport from *Maryland* into this Collony, all fuch horfes mares and foles, as he properly, (and *bona fide*) hath belonging vnto himfelfe, and are his owne proper Eftate, for the prooffe whereof and Clearing the fame, whenfoeuer the fame fhall bee examined or brought into queftion, he fhall ftand bounde to take his Corporall oath vppon the holy Evangelift that all fuch horfes mares and ffoales which he fhall bring ouer into this Collony are properly his owne, and haue been fo a long tyme.

It is ordered, That Coll *William Kendall*; maior *John Weft*, and Cap^t *Charles Scarburgh*, bee Included and taken in, within the Kings Maieftyes proclamacon of pardon bearing date the tenth day of *october* 1676, and alfo within the Right honorable the gouernors proclamacon of pardon, bearing date the tenth day of *february* 1676 any thing in the faide proclamacon notwithstanding, They hauing readily and humbly fubmitted themfelues to, and Complied with all and Euery the feuerall Iniunctions Inioyned in the faide proclamacons, or either or both of them, and hauing acknowledged and made fatisfaction to the R^t Honorable the gouernor, for the perticular fcandalls and Iniuries done to himfelfe, which had no relacon to the King

It is ordered That *Jane Moore* widdow, to the late Capt *William Moore*, who was killed in his Maieftyes feruice, againft the Rebbell *Bacon* before *James Citey*, towards the releife of her and her Childeren, bee payde out of the publike Leuie next yeare foure thoufand pounds of tobacco and Caske, And that for the future the parrifh wherein fhe liues, take Care for her and her Childeren if there fhall Bee fuch needs.

It is ordered that *Elliner Senior*, widdow of *William Senior*, who was lately killed in his maieftyes feruice before *James Citey*, bee allowed and payde, towards the releife of her and her Childeren, out of the publike Leuie next yeare Two thoufand pounds of tobacco and Caske, and that for the future, the parrifh wherein fhe liues take Care for her and her Childeren, in Cafe of Indigence.

It is ordered That *Margarett Simkler*, widdow of *William Simkler*, who was killed in his Ma^{ties} service before *James Citey*, Bee Allowed out of the publique levie next yeare fifteen hundred pounds of Tobacco and Caske, towards the releife of her and her Childeren, and that for the future, the parrish wherein she lives, take Care for her and her Childeren

It is ordered, That *Mary White*, the widdow of *John White*, who was lately killed in his maieftyes service, before *James Citey*, Bee paide and Allowed out of the publique Leuey next yeare, one thousand pounds of Tobacco and Caske, towards the releife of her and her Childeren, and for the future, the parrish wherein she lives take Care for her and her Child

It is Ordered, That *Rebecca Sorrell*, the widdow of Cap^t *Robert Sorrell*, who was lately killed in his maiefties service, and his estate since plundered, and taken away by the Rebellis, bee Allowed out of the publique Leuey, foure thousand pounds of tobacco & Caske, and what of her goods Can bee founde Bee returned to her.

It is ordered, That Cap^t *Thomas Gardner*, whome by force of Armes, and apparent violence, was Confrayned by *Nathaniel Bacon Junio^r*, to signe a Bond to him in *June* last, for the sum of one hundred and forty pounds *Sterll*, for the payment of Seauenty pounds *Sterll* att a Certayne day, Bee not only himselfe, but also his security, or Joynt Bonds man, them, and either of them, theire heires Executors and Administrators, for euer hereafter free and discharged from the saide Bond, and all penalties & Condiçions therein sett downe or Conteyned, and that the same from henceforth Bee Null and Voide.

It is ordered that *John Williams* of *Tyndalls* poynte, haue free leaue and full Authority, to take into his possession, Three sloopes, and other Rigging and furniture, which was left with him by severall masters of Shippes, and seized and Carried away by *Jeremiah Hooke*, in the tyme of the late Rebellion, and all persons whatsoever in whose possession the saide Sloopes Rigging and furniture, or any one or more of them, or any of the saide rigging and furniture shall bee founde are Ordered (on demand) to make deliuey of the same Accordingly.

It is ordered, That whereas *John Young* a seaman, belonging to Capt *Laremoors* Shipp together with others, hath taken from *Henery Trowell*, two Negroes and other goods That the saide negroes and all such goods belonging to the saide *Trowell*, and not Imbezelled, may Bee forthwith deliuered Backe, to the saide *Henery Trowell*, And whereas Capt *Thomas Laremoore*, hath in his possession, a Sloop belonging to the saide *Henery Trowell*, the saide *Thomas Laremoore* is hereby ordered to deliuer the same Backe to the owner or his order, before the saide *Laremoore* depart this Country, it appearing vnder the hands of feuerall Loyall gentlemen that the saide *Henery Trowell* hath Carried himselfe well in those late tymes of rebellion and neuer Joynd with or Assisted the Rebell *Bacon* or his Complices.

It is ordered, that for the present Safety of the genner^l Courte Records, and Secretary office records, and for the Conuenience of the Inhabitants of this Country to haue recourse to them, they Bee removed to, and kept at M^r *Secretaries* house att *Rich Necke*, vntill some further order Can Bee taken for them.

It is ordered that *Chesecake* Indians, may quietly and safely retorne to, and abide in theire townes, and haue and Inioy equall liberty, with all other our neighbouring freinde Indians so long as they demeane and behaue themselues submissiuey and peaceably to Authority and to the people.

It is ordered, that *Richard Jones* who was wounded and disabled in His maieftyes seruice Att *James Citey*, Bee Allowed Annually out of the publique Levie, five hundred pounds of tobacco, vpon his producing annuall Certificates, from the magistrates or Countey Collector where he liues that hee Continue disabled by reason of his saide wounds or hurtt

It is ordered, That vpon the Complaynt of feuerall the Inhabitants of *Nantzem'd* County, This Declaritory order stands as followeth, That the Complaint (if true) fett

sett forth great abuses, for which the abused may haue, theire Remedy att law ag^t the persons of whome they Complayne, (to witt) Leiff^t Coll *John Leare*, and maior *David Leare*, And that by this order, the County Cort of *Nantzem* bee admonished for the future, to take such Care, as may preuent such Complaynts.

It is ordered that Euery person within this Collony, being a house keeper, who shall entertayne or haue, residing in theire house, any person not well knowne, and hath not yet been residing in the County wherein he then lives att least Nyne Months Immediately before the 20th of this Instant *february*, that hee Bee and stand obliged vppon his perrill (of being founde guilty of entertaining of runaway seruants) to Carry all and euery such person, so residing with him, whether as hired seruant sharer in the Cropp or other wayes, within one month after publica^con of this order, before some one of the Justice of peace, in the County where he liues, and there leaue Certificate with such magistrate, of the discription of such person his age Coulor and Complexion, the place from whence he Came, and the tyme of his abode in that County, to the end Seruants rann away and others fledd for debt in those late rebellious tymes may bee the better founde out and discouered and by that meanes reduced to theire due service, and payment of theire Just debts

It is ordered, That the prices of prouisions, as is hereafter nominated, Bee to the Kings Maiestyes Souldiers Sold att those feuerally nominated rates and no higher

Fresh Beefe:	2 ^d p lb.
Dried Beefe.	3 p lb.
Neate Porke	2 p lb. ffresh. & 2 ½ ^d p lb. salted
Dried Bacon	5 p lb.
Cocks henns & pulletts	10 p peice
Capons	15 p peice

ffor Milke 2^d p quart, vntill the 20th of *May*, and after that one penny the quartt vntill the last of *September*, then 2^d the quartt vntill the 20th of *May*

ffor Butter 6^d p lb vntill the 20th of *May*, and afterwards 5^d p lb vntill the last of *September*, and then 6^d p lb vntill the 20th of *May*

ffor Eggs Three a penny:

ffor Indian Corne 2^s 6^d the Bushell.

ffor wheate ffoure shillings the Bush^l

And that in Case any person who Can really spare any of the Aboue nominated prouisions shall refuse to sell the same, to the Kings maiesties souldiers, for ready money at the aforeseid prices, that it shall bee Lawfull for any Justice of the peace vppon such Complaynte made, to Issue forth his warrant for such person, and Compell the person so refusing to part with his prouisions for ready money at the prices Aforeseide.

It is ordered that speedy Care bee taken, for the Building a good strong sufficient Storehouse, for securing the powder sent in by his most sacred maiesty, and that the saide store, bee Boarded within and without, and well filled vp with Clay or Morter, and double Couered; That there bee also another store house Built which may bee Capable for the recep^con of the other stores of goods, and that the same Bee double Couered And that there Bee also Built a gard house of fixtey foote in length with two outside Chimneys, That Carpenters Bee forthwith Impressed, to doe the worke in Case they Cannot be tryed without Impressing.

It is ordered, That Care bee taken, for the speedy Conveyance of the Boarde tymber appoynted to Bee prouided, by the feuerall Countyes (By order of the R^t Honorable the Governor) for the speedy finishing the afore^d houses.

That maior *John Page* Bee Appointed, to ouersee the f^d worke, and to see all things necessary bee prouided, and that hee Bee Impoured to Imprefs all neccessary Toolles sloopes Cartes or other things needfull, for the more Speedy Expediting the sayde worke, and bringing necessary boards & other tymber for the same

And that all due Care may bee taken, for the speedy supply of his maiestyes Souldiers with prouisions, And Capt *Middleton* proposing, that Six thousand ffoure hundrd

hundrd pounds of Beefe or porke 7th month will bee sufficient for their full supply; *It is therefore ordered* That the summe, of 6400 lb of Beefe or porke, bee forthwith provided, In *James Citey* County And Brought to Co^{ll} *Ballards* or Capt *Otho Thorpes* Landing or to the *middle plantacon* for the first month, and Bee there deliuered to the Comander in Cheife, or whome he shall appoynte, at the rates herein after mentioned to Bee payde in Ready money (*Viz*)

ffor fresh porke, Two pence the pounce, for salted porke two pence halfe penny the pound, and for Beefe Two pence the pound.

And that vppon Sixteen dayes notice, given to the Sherriffe, of *Charles Citey* County and by him to bee Communicated, to the Justices there, that the same Care bee taken, and the same quantity Bee provided, and brought to the places before nominated, or some one of them for the supply of the second month; And that vppon like notice giuen to the Sherriffe of *New Kent* County, and by him to the Justice there, the like Care bee taken, and prouisions made by them, for the Supply of the Thirdd moneth.

And that vppon like notice giuen, to the Sherriffs of *Surry*, and *Ifle of Whight* Countyes and by them to their respective Justices, That the saide two Countyes, in equall halues doe provide and furnish the like quantity, of 6400 lb of Beefe or porke, And Carry it to the sayde Landings for the supply of the fourth moneth.

And iff occasion shall require more & That vppon the like notice, *Yorke Warwick* and *Elizabeth Citey* Countyes bee feuerally obliged, to provide the like quantities, and transport the same to the places Aforesayde for the Supply of the fifth sixth and Seauenth months.

And that the price for Carrage or transportacon of the s^d prouisions bee as followeth

If Thirtey miles or vnder Twelue pence the hundred pound weight

ffrom Thirtey to ffifty miles Eighteen pence the hundred

If Aboue ffifty miles Two Shillings the hundred.

It is Also ordered that two hundred Acres of Land, or About that quantity Bee Speedily Layed out, and appoynted for the Souldiers, to plant Corne vppon, or such other grayne, as they shall thinke fitt, which land to Bee Laide out, in or neere the *middle plantacon*, And that Coll *Thomas Ballard*, M^r *James Bray* maior *John Page*, And Capt *Otho Thorpe*, bee desired to Consult with the Inhabitants, about the Laying out the sayde Land for which the owners shall Bee Allowed reasonable rent by the Country, And if any person whose land shall bee pitched on to bee laide out, shall refuse to Rent the same, That in such Case the R^t Honorable the gouernor, bee requested to Appoynte some persons to lay the land out foe Refused, *provided* it bee not such Land as is planted or tended by the owner or Tennent this present yeare.

And that a speedy and Effectuall Course bee taken, for the present suply of Carts, for transporting the stores of goods sent in by his maiesty, to the *middle plantacon*, and that some Carefull Active person, bee nominated appoynted and Impoured, by the gouernor to see the same speedily Effected, And that the Allowance for a Carte and six oxen or foure horses, bee one hundred pounds of tobacco 7th day, and A Carte three horses or foure oxen eighty pounds of tobacco 7th day, And for the Company of Souldiers at the head of *James Riuer*, the magistrates of the County of *Henerico*, to provide prouisions for them, according to these rates and prices before mentioned, and that they also provide them so much Land Conuenient as may bee thought sufficient for them, to plant Corne or other graine; That Co^{ll} *Thomas Ballard*, and maior *John Page*, Bee desired to take Care, that two Carts bee allwayes in A readines, for the Carrying the s^d fresh provisions, or other necessaryes for the vse of the Souldiers, from Coll *Ballards* or Cap^t *Thorpes* landing to the *middle plantacon*, for which Cartage the Souldiers are to pay, according to the rates aforementioned, in money at Tenn Shillings the hundred for Tobbacoe.

And that maior *John Page*, bee by this order, fully Impowred to Issue out warrants to Commande all necessary helpe and Assistance, for the more speedy finishing the sayde worke And each respectiue Sherrife, Magistrates or other person in what County soeuer his warrant^s shall bee directed, shall Bee Obligated to obey and Execute the same.

It is ordered that for as much as the Armes and Ammunition sent In by the Kings maiestey Cannott bee disposed of vntill M^r *Secretary* Arrives, that therefore it remayne in the publike Magazine, att the *Middle plantiſon*, Vntill the next Assembly, and then to Bee proporſioned to euery Reſpectiue County, according to their number of Tythables, and that ſuch Countyes, as are in preſent neceſſity and want, haue Liberty to addreſs themſelues to *Coli Herbertt Jefferyes* (who hath preferred to furniſh our preſent occaſions, And takes and receiue of him ſuch armes and Ammunition, as they ſhall haue occaſſion for vpon the Countyes Accott, for which Armes and Ammunition, euery County ſo receiveing, are to Bee Accomptable to the publike, their proportionate part of the ſame, being firſt deducted and Allowed them.

It is ordered, that the six Tunne of leaden fhott, on Board the *Deptford* Katch sent in by his maiesty, bee forthwith taken from on boarde her, and distributed to the respective Burgeffes, for their Countyes vse, according to theise following proporçons

	cwt. q ^{rs}		cwt. q ^{rs}	
To Henerico County	3. 2.	To Middlesex County	3. 2	
To Charles Citty Co.	5. 2.	To Nantzem ^d Co.	6. 2	
To Lower Norfolcke Co.	5. 2.	To Lancaster Co.	3. 2	
To Eliz City Co.	2. 2.	To Stafford Co.	4. 0	
To Warwicke Co.	3. 2.	To WestmeRland Co	5. 0	49.00
To Yorke Co.	8. 0.	To James City Co.	7. 0	71.00
To New Kent Co.	12. 2.	To Surry Co.	3. 2	120.00
To Glofter Co.	14. 2.	To Isle of Weight Co.	6. 2	
To Northerb ^{ld} Co.	5. 0.	To Northampton Co.	3. 2	
To Rappahannock Co.	10. 2.	To Accomacke Co.	6. 0.	

It is ordered that maior Theophilus Howne for and in Confideraçon, that he doe well and substantially att his owne Coft, Rebuild the two houfes, wherein M^r Richard Auborne and Arnold Caffinett lately lived in James Citey, haue a good and Suffitient leafe of the fame to him his heires and Affignes, for the full tearme of fifty yeares, paying yearly an Acknowledgment to the grand Affembly, or to fuch one or more, as they fhall appoynte to receiue the fame, one Eare of Indian Corne, And that hee or his affignes, doe Constantly Keepe all the fayd buildings in good and fuffitient repaire, and att the expiraçon of the fayd tearme to leaue the faide houfes in good and fuffitient Repaire & Tenñtable

It is ordered, That in an humble address, to his most Sacred majesty it Bee Represented by the grand Assembly, That the Rice [Rise] foundation and increase of the late horrid rebellion was in manner following.

The diftemper'd humor predominant in the Common people (the vſuall Cauſes of mutinyes and Infurrections, grounded vppon falſe humors, Infuſed by ill affected perſons provoking an itching deſire in them, to pry into the ſecretts of the grand Aſſembly of the Country, and to take vppon them to Caluminate and Cenſure the ſame, This being heightened by an Intervening accident (*viz*) The firſt Incurſion of the Indians vppon the head of *Rappahannock* Riuer, wherein about thirty fix perſons were killed, which Cauſed greate murmurs becauſe ſo ſpeedy A reuenge was not taken for it, as their precipitate deſires would haue exacted, Not Conſidering that warrs, are not to Bee Begunne without Mature deliberacon Eſpecially with our neighbours that had long lived, in Amity and good Correſpondence with vs, and that ſuddenly it Could not bee well deſerned, whether the miſcheife was by them perpetrated, or by ſſorreign^{rs}, nor regarding the preſent approaching of the grand aſſemblys meeting, to whome the beſt relacon, that Could poſſibly be made of the whole matter was preſented, And which Aſſembly in the moſt prudent manner poſſible ſettled, the manner wayes and meanes, not only to preuent any further miſcheife, but alſo to puniſh and and deſtroy the murderers, and that with all poſſible ſafety to, and eaſe for the Country but the precipitate giddy multitude not being therewith Content, and *Nathaniel Bacon* Junior, finding the multitude in ſuch diftempers, and being himſelfe of a ruined fortune, ambitious and

and defiring Noveltyes, and having designes to Alleniate this Country, from his maiestyes Royall dominion, and traiterously subiect it to forreigners (as it since Appeares by his owne Coffession to the minister that Assisted at his death and by all other his Actions) did with many false, though specious pretences, declaring to the people, that if they would follow him, hee would destroy the Indians, att his owne Cost and Charges, giueing himselfe out to haue great revenues, and thus hauing drawne many persons (of Inclinaçon like himselfe) together not only without Comission, but Contrary to Command, he marched forth and Killed many of our friend Indians, And being thus Abbetted and assisted, hee Insinuates into, and posseses the people with Lyberty and free estate from Bondage, and that he would make the meanest of them equall with or in better Condition then those that ruled ouer them, And the better to Carry on his wicked designe, hee declares against the Gouvernor, and many Loyall persons, tearming them Rebellls and trayters, agaynst the people, Confiscates theire estates, and distributes to his followers, Sett priisoners for debt and otherwise at Lyberty, and declares freedome to all seruants, that belonged to any Loyall person^s and Lifts them as his Cheife and standing Army, and forces many more to follow him in Armes, threatening theire Ruine if they refused.

It is hereby ordered, That there bee an humble Address, made in the name of the grand Assembly, to his most sacred maiesty, for his pardon for our late Rebellions, And a thankfull Acknowledgment, for his most gracious act of fauour, to vs manifested, in his grants sent ouer, to vs vnder his great seale, which our defections might Justly haue depriued vs of, And that his maiesty according to the example of the King of Kings who promised to spare the vnrighteous Citty for the sake of tenn Righteous, would graciously bee pleased, for the sake of those few, who lost their whole estates for their Loyalty, and whome no terrors nor dangers Could affrighte from their Allegiance, to accept of the repentance of the rest of the people, of this Country since out of A fence of their Crimes & enormities, most of them returned by the vnwearyed paynes, and prudent management, of the honorable the gouernor, and they returned to their duty before his maiestyes forces designed for the reduction arrived here, and that his maiesty would graciously grant those priuiledges and Immunities, for which they formerly made their addressees by their Agents. And that in all humility it bee represented to his maiesty, the great Inconueniences that daly doe, and for the future must inevitably fall vppon this his maiesties Collony of *Virginia* by independant gouernment^s neighbouring and bounding it Northerly and Southerly.

1 By which this Country hath Been and daly is depriued of its Inhabitants, many vnder pretence of gayning lands in *Maryland* goe into that plantaçon whereby the Country is rendered lesse Capable to defend it selfe, and mantayne its Charge; and lands already taken vp, that might bee Leased, Continue Vncultivated for want of Tennents.

2 Our seruants make their Escape thither, and all though Care Bee taken by the goverment there, for their apprehension, yett the Charge of fees to the officers and the vnreasonable demands of those that take them, and the Charge to send after them often exceeds the vallow of their tyme of seruitude.

3 Our Debtors make their Escape thither, and their Lawes being different from oures, and the Charges of their Courtes exceeding high, makes the Cost and Charges of suite of tymes eceede the vallew of the debt &

4 That Indians Inhabiting that Country and in peeace and Amity with them, Continue not the like with vs but often offer Iniuries, which wee are not well able to redress they being vnder another gouernment, and are allwayes ready to receiue such of our enemyes who fly from vs.

The Isle of *Kent* granted to, Seated and planted, by Coll *William Clayborne* Senior and formerly as a member or Limb of this Country, as may appeare by our Records (they hauing sent Deligates, to sitt in this Assembly) and diuerse other Euidences & demonstrations detayned from vs by the Lord *Baltimore*.

6ly The Aduancement of our manufacture, Tobaccoe is much depressed, since they being vnder another gouernment, Cannot bee by vs Constrayned, to Agree to such Lawes
and

and restrictions as may bee necessary for that purpose, theise and many other Inconueniences might bee Remided and Avoyned, if his maiesty would graciously please, that province and this his maiestyes Country, might live vnder the same Lawes, and vnder the Immediate Influence of his sacred maiestyes Royall goverment And the like (in most respects) may Bee represented to his maiesty, Concerning that Country which bounds vs on the South, they now harbouring our debtors, and seruants and receiuing such as are fledd from hence for their treason and Rebellion

It is ordered That there may Bee Letters sent from the grand Assembly, to his Royall highness the Duke of *Yorke*, to Acknowledge our thankfullness for his gracious fauors to vs his maiestyes subiects in *Virginia*, In his gracious promise reported to vs by Coll *francis Moryson*, that those pattents granted to the Countreyes detriment should bee Called in, And that his Royall highness would Bee graciously pleased to Continue his fauour to vs by Interceding with his maiesty, to grant what wee now doe or formerly haue by our agents Interceded to his maiesty flor.

It is ordered That there may Bee a Letter sent from the grand Assembly to the Lord *Arlington*, to testifie our thanksfullness for his free and voluntarily Act of ffavour to vs in Surrendering vp his Right to his maiestyes grant to him, and the Lord *Culpeper*, And that his Lordship would bee pleased to Continue his fauour to vs, his maiestyes Subiects, by Interceding to his maiesty to grant what wee now doe, or formerly By our Agents, have Interceded to his maiesty for

It is ordered, That ffiue hundred pounds *Sterll*, part of the money raised, by the two yeares ffiftey pounds of Tobacco, p^{ce} pole, Bee left in *England* as A Banck Stocke for the Countreyes vse on all occasions, And the remayning Sum yet due to y^e Country by the money so raised as afore^d, (the Just disbursements of the Countreyes Agents being discompted) Bee ordered and disposed of, for the defraying the present Charge of the Country, as the Assembly shall finde occasion

It is Ordered That whereas *Margarett Thomas*, pretends to haue lent and rented out to *Richard Lawrence* of *James Citey*, Three Bedds and furniture, That vpon due prooffe thereof, she Bee Ordered out of the Estate of the S^d *Richard Lawrence* full satisfaction for the saide Bedds.

To the propofalls in *Yorke* County agrieveances Concerning y^e tranfportation of wheate and other Commodities of the Countrys growth (tobacco excepted, to the Isles of *Azores* & *Canary* Islands.

Answered that it Bee referred to the next Assemblyes Consideraçon

It is ordered that the County Court of *Yorke*, Bee Inioyned to take Care, That for the future, M^{rs} *Elizabeth Reade*, Bee not oppressed, nor Any thing taken or preft from her, Otherwayes, then According to her Ability and proporçon among her neighbours & equally with them in such Cafes.

It is ordered That whatfoeuer Just Claymes or debts, are yett to Bee made against the Country, and are not already Allowed of, or determined by this present Assembly, doe stand and remayne, in a generall Reference to the next Assembly, that the same may bee Examined, and allowed of, According as they shall appeare due.

It is ordered that the $2\frac{1}{2}$ p^{ce} Cent, Bee Allowed the feuerall Collectors, as in the Auditors Acco^{ts} of *June* 1675, and *June* 1676, And also Coll *Spencer*, Coll *Washington*, and Coll *Stringers* ffiftey p^{ce} Cent psalery, But that for the future there shall Bee no more allowed to any Collector of the two shillings p^{ce} hogthead either for Collection or remitting Bills of exchange then tenn p^{ce} Cent Nor that the Auditor hereafter, bring in Articles of debt in the sayd Accompt for any more then Tenn p^{ce} Cent psalery, to euery Collector, vpon penalty of fforsfeiting his owne psalery for the yeare, And that M^r Auditor bee also Inioyned not to Admitt of any Collectors acco^{ts}, But such as is given Vpon Oath.

It is ordered that maior *William White*, bee payde twenty fix Shillings eight perce for trading Cloth, deliuered to the *Tuscorora* Indians in *June* last by the direction of the then Assembly, and that the same bee paide, out of the two shillings p^{ce} hogthead.

It

It is ordered That £38-17-6 for Ammunition and expences att a Council of warr purchased, distributed and expended, In the beginning of the Indian warre, and paid for by Cap^t *Ralph Wormely* Bee allowed by the publique, as it stands in the acco^t of 2^s 7^d hoghead dated In *June* 1676.

It is Ordered that M^r *Auditors* Acco^t of 2^s 7^d hoghead, dated *June* 1675, and *June* 1676, bee past and allowed as they stand stated, But that for the future that no such Article (as are therein Conteyned) of two and one halfe 7^d Cent, either for payment receipt of money vpon small Bills of exchange, bee allowed or brought to accompt vpon any Score whatsoever

It is Ordered that whereas there are severall summs of money due to the publique standing out in severall hands, and hath for some Considerable tyme been standing out for recovery whereof, and reducing the same to the publique vse, that M^r *Auditor genner^{ll}*, bee by vertue hereof, fully Impoured and required, to demand and receiue the same, And in Case of deniall or delay of payment, shall bee made by any person Indebted to the publique Acco^t of 2^s 7^d hoghead, vpon any acco^t whatsoever that M^r *Auditor genner^{ll}*, bee by vertue of this order fully Impoured to sue for and recouer the same to the vse of the publique as Aforesayd

It is Ordered That Capt *Thomas Gardner*, for keeping and Entertayning *Isack Godwine*, *John Sanders*, & one by named the *ould souldier*, bee payd and allowed from and by each & every of the Three, ffive hundred pounds of tobacco and Caske.

It is ordered That *Gyles Bland*, being prisoner five months and one halfe on Board Capt *Thomas Gardner*, his shipp, and by the saide *Gardiner* entertayned all the saide tyme, that hee Bee therefore Allowed, out of the estate of the saide *Gyles Bland*, twenty five pounds Ster^{ll}, for such entertaynem^{nt} & Imprissonment as aforefd.

It is ordered that *William Niccolls* Tayler Liveing on the *easterne shore*, his Acco^t for making Souldiers Clothes, Bee payde by the S^d Souldiers they being Allowed pay for their tyme of service.

It is ordered that *Richard Haynes*, lately Serv^t to M^r *Bryan Smith*, Being entertayned and admitted Common hangman for the Country, Bee therefore sett free and that for his price, M^r *William Aylett* high Sherriffe of *Yorke* County, out of his allowance for Executions, pay vnto the sayd *Bryan Smith*, fourteen hundred pounds of tobacco and Caske, And that M^r *William ffisher*, out of his Allowance for execucons, pay vnto the sayd *Bryan Smith* Seaven hundred pounds of tobacco & Caske to bee payde out of the tobaccoes most Conueniently, ordered to y^e s^d Sherriffe by the publique

It is ordered that for the tyme to Come, the Allowances from the publique to the high Sherriffe for each person executed, Bee five hundred pounds of tobacco and noe more.

It is ordered, that 130 ^{lbs} of powder, expended on the *easterne shore* by Coll *Southey Littleton* bee payde and allowed for, out of the forte duties off that Association

It is ordered that the petition of Coll *William Waters* bee referred to the next Assembly ffor further prooffe

That the petition of *John Green*, for service done for the Country Bee Referred for further prooffe to the next Assembly

It is ordered, That the petition of *George Hobfon* Bee Referred to the next Assembly for further prooffe from his Comander

It is ordered That the petition of *Matthew Harrison*, and *William Berry* Bee referred to the next Assembly for further prooffe from their Comander

It is ordered That the petition of *John Reynes* Bee Referred to the next Assembly for further prooffe, and for that he is reported to haue Beene a notorious Rebell

It is ordered That *William Macons* acco^t of Charge for seuerall Gen^t meeting at his house may not bee allowed by the publique, But by the Association, what Concerns them and the rest by the perticular men that spent the same &

It is ordered That the petition of maior *John West*, bee referred to the next Assembly for prooffe

It is ordered That whereas *John Stratton*, being Employed as Cornissary on the *Eastern Shore* for providing meate for his ma^{tie} service, and hauing Converted the hides Talloe & of all the Beeves killed to his owne vse, As also sent ouer three hogheads of the saide Beefe to this Assembly, which for want of due salting, was spoyled and throwne away, allthough he had Caution giuen him, in Conuenient tyme to preuent the same, and *John Brooks* hauing two Steares, and one Cow killed for the sayd seruice for which as yet he hath not allowance, that the sayd *Stratten* bee and is ordered hereby to pay him fourteen hundred pounds of merchantable tobacco and Caske for them, and that he also pay *Samuell Tayler*, who tooke greate paynes in the afore^d seruice of bringing in and killing prouisions for publique service, fise hundred pounds of merchantable tobacco and Caske, for his Care and trouble afore^dsayd, and that hereby the S^d *Stratten* is discharged for his saide negligence, and from any further payment from [for] the hides & Talloe

It is ordered That for the future, that no Claymes of debt be admitted in the house or brought to publique Acco^t, but such as are first examined in the County Courte where they are expended, & made and prooued vpon oath, and Certificate made from that Courte.

It is ordered That the Right Honorable the gouernor, Bee presented with fise hundred pounds *Sterll*, out of the Countreyes money, in the agents or treasures hands In *England* which small (though humble) offer the house most humbly prayes, his honnor will please to Accept att present, as a token of their Acknowledgment, and thankfullness for his vnwearied Endeauours of the Countreyes good and welfare, And they humbly pray his honnour will beleieue, that were not the Country so low in Condition, they thinke they ought in an higher manner, to make Acknowledgment of their duty and thankfullness to his honnor.

It is ordered That the Honorable Coll *Herbertt Jefferyes*, Bee requested vpon the publique ffayth, to deliuer to the Burgeses of the Northerne Countyes, one hundred and fiftie Carbynes with Belts and Swivells, and Tenn Barrells of powder, for the present necessitious seruice, and that he will please to take receipts, from those Gent^l who receiues them, and that those Countyes who haue the sayd Armes and Ammuniçon, bee Accomptable to the next Affembly, for the disposall of the same, which Armes to bee proportioned as followeth

Nynty Carbines with Belts and Swevells, for *Northumberland Westmorland And Stafford* Countyes.

And Sixtey Carbines for *Rappahannocke and Lancaster* Countyes.

And that the Northerne Burgeses are hereby Impoured, to Agree for vessells or Sloops to the Carry the Armes Ammunicones and prouisions, of one hundred Souldiers (by Coll *Jefferyes* promised to Bee sent) to the Northerne parts, where the same shall bee order^d to be Landed

And that Tenn horses Bee Impressed, by the Sherrife or Sherriffs, of *Yorke James Citey or New Kent* Countyes, or by Mr *John Wright*, (who by this order is therein Impoured and thereto Comanded) to Carry the Baggage of the saide Souldiers, and that some one of the saide three persons, doe also Impress two guides, to go along with the saide souldiers, whether they shall bee Comanded to goe

In the difference betwixt the Counties of *Northampton* and *Accomacke*, about their Bounds the Burgeses for *Northampton* County, being mai^{or} gener^{ll} *John Custis*, and Capt *Ifake foxcroft* and the Burgeses for *Accomacke* County, Coll *Southey Littleton*, and Cap^t *William Custis* that whereas it is Alledged, by the *Northampton* County Burgeses, that the diuision of the two Countyes, where now it was made, by the agreement of Coll *Edmund Scarburgh* and Les^t Coll *Waters*, and that also att the same tyme, a further agreement was made betwixt them, that whensoever *Accomacke* County should Inlarge about *Occanoke*, then the lower County should proportionably Inlarge vpon them, Therefore it is hereby ordered that the people of the County of *Northampton* by their Representatiues, or whome foeuer else they shall Employ, haue liberty to make

due

due prooffe of fuch Agreement, before fuch one or more perfon or perfons or magiftrates, as the R^t Honorable the gouvernor fhall appoynte They giueing publique Notice at the Courte houfe or Church, to the Inhabitants of *Accomacke* County, when they Intend to take fuch euidence, and if it fhall appeare, that fuch agreement and Conclufion was made, betwixt the fayd Coll *Scarburgh*, and Lef^t Coll *Waters*, That then the lower County of *Northampton*, bee Inlarged to the South fide of *Occahanok* Creeke, and no further, and that the faide Creeke Bee the bounds, betwixt the fayd Countyes, and from the Bridge at the head of the Creeke, an eaft line to the Sea borde fide, fhall diuide the fayd Countyes, which matter is to bee determined by fuch perfon or perfons as the gouvernor fhall appoynte to take the euidence, And that Coll *John Stringer*, and Lef^t Coll *William Waters*, Bee Admitted as euidences therein.

Whereas maior *John Page* Informes this Affembly, that there are diuerfe things of vallew pertayning to *Matuxon* forte (now Accompted for and belonging to the publique) in fundr perfons hands, which he propofes may bee founde and Receiued to the publique vfe and benefitt

It is therefor ordered that the fayd maior *John Page*, do demand and Receiue all fuch goods into his hands, wherefoeuer hee fhall Come to vnderftand they are, and that he giue accompt thereof to the next Affembly.

Whereas it is propounded and defired, by the Representatiues of the northerne Countyes on the north fide of *Rappahannock* Riuer, that the fayd Neck may bee diuided into Countyes by lynes running aCrofs from *Rappahannock* River to *Potomacke* River, *It is therefore ordered* that the people in Each County in the whole Neck, bee Conuened to meete and nominate two fuch perfons, as fhall bee thought Capable for each County to treat and Confult about it, *Provided* the people fhall Judge it Convenient to haue fuch diuifion made, and the perfons fo nominated and Chofen, to meet the 20th of *June* next att Cap^t *Thomas Beales*, And that the Choice of fuch perfons bee made in each refpectiue County the Third *tuesday* in *may* next

It is ordered That Cap^t *John Martyne*, deliuer to maior *Lawrence Smith* all the Armes on board his Shipp belonging to the Country, and which were put on Boarde his fhipp either from *Wefts* poynte, or from on Boarde Cap^t *Granthams* Sloopes, or from *Tindalls* poynte, and that the faide Cap^t *John Martyn*, take maior *Lawrence Smith* his receipt for all fuch Armes, by a perticular Lift thereof, and that he make A Counterpart of fuch lift and Atteft the fame, and deliuer or fend it fafely to the Clerke of the Affembly, and *it is hereby further ordered*, that maior *Lawrence Smith* after his receipt of fuch Armes doe ftrictly veiue the fame, and fuch as he fhall Judge needfull to fend for *England* to bee fixed, that hee forthwith put the fame on boarde Capt *Martyns* fhipp, if he Can poffibly before he fayles, and take his receipt and order him to gett the fame fixed vppon the Countries accompt, and if he Cannot fend them by him, then to fend them in fome other fhipp, and order them to the fayde Capt *Martyn* to gett them fixed, and bring or fend them Backe to the Country and deliuer them to the faide *Lawrence Smith* for the which the faide maior *Lawrence Smith*, is to Reimburfe the fayd Cap^t *John Martyn*, and to bee allowed by the publique, out of the Impoft of two fhillings $\frac{3}{4}$ hogfhead in *Yorke* River.

It is hereby ordered, that whereas the ftate houfe being now Burnt downe by that Arch Rebell and traiter *Nathaniel Bacon* the younger, and alfo the houfes in *James City* And for as much as *Tyndalls* poynte is fupposed and accompted, to bee the moft Conuenient place for the Accomodation of the Country, in genner¹¹ to meet att, that therefore the ftate houfe for the time to Come, Bee Built att *Tindalls* poynte.

It is hereby ordered, that the Charge of the late Rifinge in the Northerne Countyes In the fuppreffing of the late Rebellion, Bee proportionably borne by the feuerall Countyes in the Neck, betwixt *Rappahannock* and *Potomack* River, with the addition of the remayning people of *Rapp^a* County on the fouth fide *Rapp^a* River, according to theire feuerall numbers of Tythables, and that the prefent Burgefes, for each refpectiue County, meet at the houfe of Cap^t *Thomas Beale*, vpon the fecond *Tuesday* of *Auguft*
next

next, to Bring their Charge and proportion, the same by the pole, as is vsuall in such Cafes, And that according to an order of Affembly in such like Cafes now made, noe Acco^t bee allowed in that meeting but such as are playnly and fully prooued vppon Oath, And that in place of maior *Thomas Hawkins* deceased, Coll *Sam^t Griffen* bee added.

It is ordered That Cap^t *Thomas Laremore* Bee payd by the Country, Sixty pounds Sterll to bee drawne out of the money, In the agents hand in *England* towards his greate expence of Shippes prouisions expended among the Countreyes Souldiers aboarde his Shipp.

It is ordered That maior *Robert Beuerly*, as Clerke of the Affembly, Bee and is hereby Impoured to drawe Bills of exchange vppon M^r Secretary *Ludwell*, and Co^{ll} *Daniel Parke* for such summs of money, as are ordered by [to] feuerall persons by this Affembly and that all such Bills as he shall Draw and subscrub as Clark aforesaid bee punctually paid accordingly to the ten^r of the same by M^r Secretary *Ludwell* or Coll. *Daniell Park* out of the Monys in their hands belonging to the Country and they thereof Discharged accordingly and that a Coppy of of this order attested by the Clark of the Affembly and produced with the Bills drawne bee sufficient aduice of such Bills, and Justification for payment of the same.

It is ordered That this following Testimoniall of the Righte Honoroble S^r *William Berkely* K^{nt} gouernor and Cap^t Generall of *Virginia* Bee put vpon the Affembly Records and A Coppy thereof giuen to the Right Honoroble the Gouvernor.

That the Righte Honoroble S^r *William Berkely* K^{nt} Gouvernor and Cap^t gener^{ll} of his maiestyes Collony of *Virginia*, hath discharged the great trust reposed in him, by his most sacred maiesty, with great Loyalty Justice and Integrity, as appeares in that he was the last gouernor, that yeilded up his gouernment, in the tyme of the Rebellion in *England*, begunne in the tyme of his most sacred maiesty, King *Charles* the first of euer Bleffed memory, and it is A great argument of his Justice & Integrity in the Administraction thereof, that after this Country had long groaned vnder the Anarchicall Impositions of those Rebellious tymes, he was in a manner, Inforced by the earnest and Importunate desires of the Country, to Assume the gouern^t agayne which he did with the Aparent hazard of his life, had not his most sacred maiesty that now is been miraculously restored to his Crowne and Dignity, And so well hath this Country flourished vnder his gouernment, and so much Aproved of his Administraction of Justice, that euer since he Accepted the gouernment, and had Confirmation from his mat^{ie} there neuer appeared in the people, the least desire of Change, but on the Contrary haue by their representatives desired his Continuation in y^e gouern^{mt} during his naturall life And this house of Burgeses doe vnanimously agree and Beleue, that there is no Imputation of Corruption or Iniustice Can bee agaynst him, many of this house haue well well knowne his Honno^r this five and twenty yeares and vpwards, and doe Affirme and Attest, that they haue not knowne nor heard, of any wilfull Iniust Judgment giuen or Action Comitted by him in any of his Administrations, And that he hath allwayes had an eare open, to the Complaynt of the meanest or poorest man or weoman, whose access to him hath alwayes been most easy.

And this house Doe further declare affirme and Attest, that in all the greivances of the people, That haue been yearly brought to the Affembly, It is observable, that neuer any of them had the least reflection, vppon him or his gouernment, as to the Ill mannagement of it, nor doth any thing Appeare yett of the like nature, against those magistrates that are Appoynted by him, And this his maiesties people and Country doe most humbly desire, and would accompt it an high act of fauour, that his sacred maiesty will graciously please, to Continue him in the Gouverment.

And Concerning those Scandalls and great abuses, that haue been throwne vppon him, by the Rebellious people, in those late horrid Rebellious tymes, Wee the Burgeses of the house, doe Vnanimously declare, that wee are well knowing and Assured, they tooke their growth from the same Roote, that the Rebellion it selfe did (*viz*) from Ill affected

affected persons, who Abused the people by false reports and rumors, Invented only to draw them, into open Rebellion, and propogate their wicked projects and designs of Innovation and subversion of the government, established by his most sacred maiesty, tending Apparently to the Allienacon of it from his maiestyes Royall dominion, and his Honno^r great wisdom and Loyalty most eminently appeareth in his discreet mannagment of Affayres in those late distractions, by whose great prudence, this Country was Reduced to its due obedience to his most sacred maiesty, before the arrivall of his maiestyes forces, and with the effusion of very little blood.

Whereas *Anthony Hauiland*, hauing in the late Rebellion, wounded A uery Loyall man, then in his maiestyes service, and the saide *Hauiland* in rebellion and open hostility against his maiesty, and his lawfull Governor and government which sayde person by name *Tho Moore* lay A Considerable tyme vnder Cure, Induring great paynes, and being att uery great Charges, is thereby greatly Indamaged if not Ruined in his Estate and Livelyhood, If not duly redressed, *Therefore it is ordered*, that the saide *Anthony Hauiland*, pay vnto the sayd *Thomas Moore* five thousand pounds of merchantable tobacco and Caske, In *Charles Ciley County* or *Surry County*, before or vpon the twentieth day of *November* next, And that he the sayd *Anthony Hauiland*, fully pay and satisfie (ouer and aboue the saide five thousand pounds of tobacco and Caske) vnto the sayd *Thomas Moore* his full expence Charges and disbursements for his saide Cure, and in Case of fayler In payment, that execution Issue agaynst him, or against his estates.

[From the *Winder* Transcripts, II, 136 ff.]

At a Grand Affembly began at *Green Spring*, the 20th day of *February* 1676, these following Orders of Public charge were made and allowed, viz.

	lbs of Tobacco
To Mrs <i>Tabitha Browne</i>	3896
To Coll. <i>Joseph Bridger</i>	6278
To <i>Gawen Dunbarre</i>	3800
To Coll: <i>Edward Ramsay</i>	300.
To Major <i>Wm. White</i>	1000
To Mr. <i>George Lee</i>	800
To Mr. <i>John Waters</i>	1000
To Capt. <i>Isaac Foxcroft</i>	3000
To Major Generall <i>Custis</i>	74975.
To Capt. <i>Robert Spencer</i>	1800
To Mr. <i>Richard Littlepage</i>	1405.
To Mr. <i>William Archer</i>	3000
To <i>Anne Parsons</i>	400
To Mr. <i>Thomas Taberer</i> for <i>Ed Milner</i>	6375.
To Capt. <i>John Stythe</i>	1000.
To ditto.....	250
To Coll <i>Philip Ludwell</i>	8260
To <i>George Frizell</i>	1800
To Capt. <i>Charles Scarburgh</i>	467
To Capt. <i>James Gilbert</i>	450
To <i>Thomas Barbaredge</i>	1200
To <i>James Garey</i>	562
To Capt. <i>Otho Thorpe</i>	7480
To Coll <i>John Leare</i> and Major <i>Milner</i>	6205
To <i>William Sherwood</i>	290.
To <i>Cornelius Daubenie</i>	800.
To <i>George Thompson</i>	1300.
To Major <i>Theophilus Hond</i>	30321
To Major <i>John Page</i>	2183
To Coll: <i>Nath: Bacon</i>	6380
To <i>Daniel Long</i>	350
To Mr. <i>John Page</i>	520
To Coll <i>William Travers</i>	1724
To <i>John King</i>	2000
To <i>John Lane</i>	400
To <i>Richard Trennie</i>	224
To <i>John Ruffell</i> and <i>Stafford Wilson</i>	3000
To <i>Richard Saunders</i>	750
To <i>George Hardin</i>	1440
To Capt. <i>Isaac Foxcroft</i>	4000
To Mr. <i>William Aylit</i>	6205
To Mr. <i>William ffisher</i>	8020
To Mr. <i>Humphrey Gwinne</i>	4960
To Coll <i>Augustin Warner</i>	9650
To Coll <i>William Cole</i>	450
To Coll <i>William Clayburne</i>	1200
To <i>Richard Yarberry</i>	6000
To	

To Thomas Rabley	2500
To Coll Adam Thorowgood	2000
To Mrs Anna Boate	0272
To George Sudden	1000
To Capt. Francis Pigot	3250
Coll: Tho: Ballard	3645
To Mr. Richard Cock	3500
To Thomas Hill Door Keeper	1500
To Thomas Harminson for several perfons	10347
To Capt. Daniel Jenifer	6025
To Christian Peterfon	600
To Mrs Elizabeth Read	1000
To Thomas Rabley	200
To Coll Southy Littleton	2194
To Mr. Bertran Servant	1156
To Capt. Edward Bowman	6897
To Mr. Henry Hartwell	3000
To Smith's work. Custis and Pace	3000
To Richard Pace	2000
To Alexander Gibfon	4000
To Capt. Edmund Starburgh	969
To Richard Bally	1000
To Arthur Robins	200
To Hendrick Waggaman	400
To Robert Hutchifon	841
To William Taylor	1130
To John Watts	1068
To Timothy Roe	375
To William Silver Thorne	500
To John Stoakley	1001
To John Wise	300
To Richard Hinman	400
To Daniel Darby	75
To George Johnfon	580
To John Taylor	325
To George Trevet	400
To James Matts	950
To Teig Anderfon	400
To Richard Kellum	741
To William Anderfon	3738
To Mr. Teigle	2000
To Mr. Yoe	406
To Mr. Arthur Upshot	950
To Leiut Coll Tylney	450
To Nathl. Bradford	1500
To the Owners of the William and Anne	2000
To Peter Dolby	500
To Mary Richards	300
To William Osborne	200
To Rowland Savage &c	500
To Dorothy Stinton	5000
To John Chamber	500
To Thomas Wood	2200
To John Goring	3900

To

To William Chichester	1200
To George Marrable for Beefe	7000
To Jacob Lumpkin	3000
To Mr. Benjamin Harrifon	540
To Coll William Cole	1000
To George Magifter	3600
To Mr. Michael	4220
To William Stephens	1200
To Mr. Bryant Smith	1800
To Thomas Yates	625
To Mr. James Tubb	4000
To Capt. William Tucker	2500
To Mr. John Hanson for Swords	2720
To Coll John Stringer for Guns &c	2500
To Henry Read	2000
To Mr. Samuel Oufstein	1300
To William Chapman	1500
To George Newton	3000
To John Ayres	700
To Capt. Roger Potter	5000
To Thomas Read	1500
To Thomas Tabberer	0990
To Coll Philip Ludwell	5220
To Rodger Rawlins	1000
To John Williams	1400
To R. Beverley for his Soldiers	79707
To William Nicols	4400
To Arnold Yardley	1500
To Randolph Holt	360
To Coll Charles Morrifon	1200
To ditto for his Soldiers	7600
To Capt. William Hartwell	2400
To Major Hone	2000
To Mr. Needler	1600
To Edward Roening	1600
To William Singleton	0950
To Coll Williams Travers	500
To Robert Synock	6000
To Charles Holden	1200
To Capt. Clements	3009
To Capt. Bray for Soldiers	14175
To Lower Norfolk County	30432
To Mr. John Robins	1000
To Major Wm. Spencer	3800
To Capt. Wm. Whittington	5050
To Capt. Wm. Tucker	4000
To R. Beverleys Difburfments	49726
To Wm. Randolph 3 affemblys	10000
To Capt. Tho Grantham	3110
To Mr. James Minge	20000
To Coll George Jordan	9000
To R. Beverley for Services	15000
To Thomas Read	05000
To Robert Wilfon	05000

To

To R: <i>Beverley</i> as Clerk of y ^e affembly	20000
To Mr. <i>Speaker</i> 2 Affemblys	20000
To Mr. <i>Secr^y</i> 3 Affembly Writs	21000
To Coll <i>Washington</i> and Major <i>Allerton</i>	12000
To <i>Rich: Jones</i> annuall	500
To <i>Christopher Newby</i> annuall	500
To Mrs <i>Rebecca Sorrell</i>	4000
To <i>Mary White</i>	1000
To <i>Margaret Sinckler</i>	1500
To <i>Ellenor Senior</i>	2000
To <i>Jane Moore</i>	4000

753669
Charge of *Mattaponie* ffort

To Coll <i>Robert Abrahall</i>	5375
To Coll <i>Wm. Clayborne junr</i>	1600
To ditto	1595
To Coll <i>John West</i>	12224
To <i>Martin Palmer</i>	1000
To <i>Jacob Lumpkin</i>	750
To <i>Thomas Green</i>	750
To Serjeant <i>Speries</i> & Serjt. <i>Still</i>	1250
To <i>Tatam Grey</i> . and <i>Herbert</i>	936

25480
Charge of *James River* Fort.

To Coll <i>Ramsay</i> 2-1/2 mo: pay	1600
To Lieut: <i>Sam: Mathews</i> 2-1/2 mo pay	1000
To <i>Abell Gower</i> Chirurgeon	300
To 4 Horfemen at faid ffort 450 p ^a	1800
To the Drummer	375
To 13. foot foldiers each 313 p ^a	4069
To Capt. <i>Wm. Bird</i>	1429
To Coll <i>Ramsay</i> for his Drum	250
To ditto for his Colours	450
To y ^e Eftate of Capt. <i>Hubert ffarrell</i>	10000
To Mr. <i>Wm. Sherwood</i> p musket	130
To <i>Edmund Mumford</i> Enfigne	750
To <i>ffrancis Roffier</i> Serjieant	625

22778.
Charge of *Appamatix* ffort

To <i>Daniel Clark</i> & <i>Jon. Stythe</i>	2508
To <i>John Lanhorn</i> & <i>ffra: Rice</i>	8883
To <i>Eliz: Citty</i> —County Difburfments	6746

18137.
Charge of *Rappahanock* ffort

To Coll <i>Philip Ludwell</i>	1800
To Major <i>Lawrence Smith</i>	4705
To <i>Sands Knowles</i>	2206
To <i>George Seaton</i>	1850
To Major <i>Bristow</i>	8661
To Major <i>Smith</i> & Soldiers 2-1/2 mo: pay	31406

50628

Charge

Charge of *Mahixon* ffort

To Capt. <i>Otho Thorp</i>	4457.
To Coll <i>Nath: Bacon</i>	6384.
To Major <i>John Page</i>	10220.
To Major <i>George Liddall</i>	9324.
	<hr/> 30385.

Charge of *Susquahana* ffort

To charges from <i>Westmoreland</i>	66721
To charges from <i>Rap^e County</i>	23004
To charges from <i>Northumberland</i>	30880.
To charges from <i>Lancaster</i>	15998.
To charges from <i>Stafford</i>	89741.
	<hr/> 226353

Charges of *Surrey* fort

To Coll <i>George Jordan</i>	12309
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Charges of *Potom^t* ffort

To Capt. <i>Knight</i> 2 mo: pay.....	1200
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The Several Totals, *vizt.*

753669
 25480
 22778
 18137.
 50628.
 30385
 226353
 12309
 1200

Att A Grand Assembly Begunne at *Green Spring* the 20th of *February* 1676: These following Summes of Money were Ordered to be p^d out of the Publique monies in *England viz.*

To: Cap ^t <i>George Purvis</i>	£ 4
To: the R ^t Hono ^r ble S ^r <i>William Berkeley</i> Governor for disbursements.....	£828. 8. 10
To Coll: <i>Augustine Warner</i> for disbursements.....	£ 13. 11. 11
To: Cap ^t <i>John Martin</i>	£ 28. 11. ..
To: Cap ^t <i>Thomas Gardner</i> for Expende of provisions.....	£ 50.
To: Major <i>John Page</i> for Acc ^t of Alderman <i>Jeffreys</i>	£ 88
To: Cap ^t <i>John Consett</i>	£ 5. 5. ..
To: Cap ^t <i>Thomas Laremer</i>	£ 50.
To: Cap ^t <i>Tho: Gardner</i>	£ 50.
To: M ^r <i>John Clough</i>	£ 10
To: Cap ^t <i>Tho: Laremer</i> for Expende of provisions.....	£ 60.
To: the Right Honourable S ^r W ^m <i>Berkeley</i> Governor.....	£500.
To Major <i>William White</i>	£ 1. 6. 8.
To: Cap ^t <i>Isaac Foxcroft</i>	£ 28.
To: Coll: <i>Augustine Warner</i>	£ 40.
To: Coll. <i>Southy Littleton</i>	£ 61. 9. 3.
To: M ^{rs} <i>Tabitha Browne</i>	£ 15. 11. 8.
To: M ^r <i>John Page</i>	£ 40. 17. 6.
To: Coll. <i>George Jordon</i>	£ 36.
To: M ^r <i>James Tubb</i>	£ 16.
To: Cap ^t <i>Daniell Janifer</i>	£ 24. 2. ..
To Major <i>Isaac Allerton</i>	£ 28. 16. ..
To Major <i>William Spencer</i>	£ 15. 10. 5
To: Coll <i>Southy Littleton</i> for <i>Hendrick Waggaman</i>	£ 1. 12. ..
To: <i>Robert Beverley</i>	£100.
To: Major Gen ^l <i>John Custis</i>	£350. 14. ..
To: Major <i>William White</i>	£313. 6. ..
To: Coll <i>Thomas Ballard</i>	£ 14. 11. 7.
To: Coll <i>Augustine Warner</i>	£ 40.
To: Coll <i>John Washington</i>	£ 80.
Error Excepted (f ^d) <i>Robert Beverley</i>	2895. 13. 10.
Cl Affm ^{bly}	
To M ^r <i>Sam^l Wifeman</i> since the above said Orders.....	5.
	2900. 13. 10

ATT A GRAND ASSEMBLY

Begunn att *Greene Spring* The 20th of *February* 1676/7

THESE following reports made to the howse of Burgeffes from severall Comittées were read in the howse and allowed and confirmed by the house.

John Kembrow Petitioning for maintenance by reason of his lameness is referred to the Pish where hee lives to sue and petition for such maintenance.

Barnaby Kerney Petitioning for powder shott Armes Sloope hire and severall other necessarys for Warre prest from him by the Magistrates of *Nantzem*^d for their Counties vfe by vertue of the Act of Affembly in *March* last is referred to y^t County for satisfiaccōn

The R^t Hono^{ble} his Maj^{ties} Comission^{rs} proposing y^t an Acco^t bee given to them of all just agrievances in the severall Counties and whole Country of *Virginia*. It is answered y^t care is taken by this p^{sent} Grand Assembly to redresse all just Grievances as will appeare by the severall Acts and orders of Affembly and such as are fitt to bee p^{sent}ed to his Maj^{tie} will follow in the Countries humble addresse to his most sacred Maj^{tie} for his Royall redresse therein

To their propofall of haueing an Acco^t of the impoft of 2^d *℥* hh^d how disposed

The Affembly all along hath beene Exact in receaving the acco^{ts} thereof from the Audito^{rs} and disposed of it for such occations as they found necessary and convenient for the Countries vfe which acco^{ts} are extant vpon the Affemblys Records of which they may haue a veiwe when they please to Comand it

To their propofall of haueing an acco^t of the ffort duties how disposed &c

It is *℥*vided y^t it bee distributed into the severall Counties belonging to each respective Afflotiaccōn towards defraying the charge of the said Counties as will appeare by an Order of this Affembly

To their propofall about the written laws in force and made this p^{sent} Grand Affembly

It is answered they may have the *℥*vfall of them when they please to Comand it

All other their propofalls are answered by severall Acts or Orders of Affembly

To the propofall from *Glocester* County in their agrievances about the 2^d *℥* hh^d

Answered That it is noe Agrievance haueing alwayes beene employed for the intent and vses it was first raised since the King was pleased to confirme the same & make it a law And by the Affembly ever since seriously Examined and allowed of

To the propofall from *Glocester* about the 60 *℥* pole raised formerly by Act of Affembly.

Answered That it is scandalous and fauor^{rs} of the old leaven of Rebellion and deserves to bee Expunged and the authors sent for to make the Complaint appeare or otherwaies bee punished.

To the propofall from *Glof^r* about the Indians

Answered That the R^t Hono^{ble} the govern^r after the first Murther was Comitted vppon *Rappa* River (in which ther was about thirty or forty *℥*sons killed) haueing wth great Care & prudence ordered y^t *℥*te of the Country to bee drawne in fortified howses vntill the Affembly might put the Country into a posture of defence, which by the Affembly was speedily effected, but their care therein diverted by *Bacons* Rebellion Therefore the proposition is scandalous and false & invented to extenuate their Rebellion

To the propofalls from *Glof^r* about the *June* Affembly Acts

Answered Nothing y^t shalbee p^{sent}ed to the Affembly for the Countries good but wilbee graunted

To the propofalls from *Glof^r* Complaining ag^t *℥*ticular *℥*sons but none nominated

Answered

Anfwear'd The Persons injured are to nominate the Persons injuring them & forthwith Prosecute them and they will be redressed but if they do not make it appear then to be accounted scandalous Persons and abusers of his Majesty's and his Government's cause and be severely punished

And those of his Majesty's Loyall and good subjects that have had any thing taken or plundered from them by any of the late Rebels may have the same liberty to Prosecute the Law against them

To the Complaint against Major *Robert Beverly* in *Gloster* Agreivances

Anfwear'd Hee Justifies himselfe and as it is laid downe doth say it is not true Concerning which the Governr being sent to by the howse did declare that what Major *Beverly* did was by his Order And further declared that if any of the Armes soe received were properly belonging to *Gloster* Counties people they should have them returned vpon demannd

To the proposall from *Gloster* County about Armes & Ammunition sent in by his Majesty

It is thought reasonable (if any such there bee) y^t they bee distributed to each respective County proportionably to the number of Tytheables in them And y^t it bee left to the Militia officers of each respective County to appoint either one or more places in their County for a Magazine

To the proposall from *Gloster* about the Burgeffes Charges

Anfwear'd It is conceived the Burgeffes Charges is noe Agreivance but rather a Clamor many Counties haueing reduced themselves for their conveniencie vnto such small bounds y^t their number of tytheables are soe small y^t it seemes to them burthensome for the easing of which it is the opinion of the Committee y^t the Burgeffes Charges bee brought in and laid in the publique leavie.¹

To the *Isle of Wight* Countie Grievances

The Burgeffes of the said Countie being by the Committee required to answear whether they were the Counties Grievances declared that they were not delivered to them at the time appointed and y^t many of the propositions were not then read but since Added And y^t they came to them vnsealed and y^t the subscriptions were not Annexed to them, and that the Major part of those that subscribed were Actually in the said Rebellion And cannot owne nor Justifie them to bee their Countie Grievances The Opinion of the Committee ratified by the howse is y^t the said Grievances or proposalls are libellous scandalous and Rebellious and that the Cheife Persons to the subscriptions bee sent for and punished according to the Merriits of their Crimes

To the proposalls in the *Nantzem*^d Grievances That no Person bee paid or allowed for any reall or p^tended services

Anfwear'd It is vnreasonable that Persons should not bee allowed for reall services

To the proposall about the Charge of the ffort at *Point Comfort*

Anfwear'd It is of very antient date and beleived y^t former Assemblies haue seriously Examined and looked into it And to the Erecting of a ffort there for the future it is conceived his Majesty's Comission^{rs} haue full instruccōs from his Majesty about it.

To the proposall about the fifty pounds of tobacco per pole & why it was raised

Anfwear'd The Act of Assembly by which it was raised all Persons y^t are vnfattisfied may haue recourse to and receive satisfacōn therein

To the Complaint about the bounds of their County

Anfwear'd former Assemblies haue determined it

To the Complaint against Merchants engrossing goods

Anfwear'd Noe Person are enjoyned to deale with any but are at their owne liberty to dispose of their Tobaccos and other comodities to whome they please

To the prologe and other proposalls not particularly answered

It is conceived they are scandalous libellous and Rebellious

To

1. The manuscript has the following in the margin: Expung^d in the howse the latter Pte & other proposalls offer^d and accepted in the howse.

To the propofall about Sheriffs to bee of the Comiffion in *Yorke* grievances
 Anfweared The Laws already made ¶vide fufficiently in y^t Cafe

To the propofall in *Lancaster* Countie Grievances about y^e *Nicomacoe* Indians.
 Anfweared That the fame courfe y^t is taken wth o^r other Indians freinds bee taken
 wth them

To the propofall about the Indians in Generall

Anfweared The Care and mannagm^t of y^t affaie is by his moft fared Maj^{ty}
 Infturcōns left to the R^t Hono^{ble} the Govern^r and the Hono^{ble} Comiffion^{rs}

To the propofall about hog ftealing

Anfweared Sufficient ¶vifion is made by the former lawes

To the propofall of *Narwick* [*Warwick*] County Grievances y^t taxes may bee
 laied vpon land

Anfweared It is conceived the Pole is the equalleft way

To the propofall in *Surry* County Grievances Complaining againft the Taxes
 laied by the Grand Affembly

Anfweared All people ought to acquieffe wth that lawes y^t are made by the Grand
 Affembly And whoever fhall oppofe them in hoftile manner to bee deemed Rebels and
 ¶fecuted accordingly

To the propofall about the feizing of feveral mens Eftates

Anfweared Thofe ¶fons y^t finde themfelves agrieved may come and petition to
 the Grand Affembly for redrefe during this Seffion and afterwards to the Govern^r
 and Councell.

To the propofall in *Stafford* County Grievances Complaining ag^t the Magiftrates

There beeing noe ¶fons nominated noe redrefe can bee made but if any vnfattisfied
 wth the ¶ceedings or Judgm^t of the Court. Appeales are open.

To the propofall each County may haue liberty to appoint Collecto^{rs} of the
 impoft of 2^d ¶ hh^d

Anfweared The A^{cts} fully ¶vide y^t the Collecto^{rs} bee chofen by the R^t Hono^{ble}
 the Govern^r

To the propofalls or Petitions of the Queene of *Pamanky* (*vizt*)

To her petition to haue her lands reftored which fhee formerly held alleaging
 her leaving her towne was occationed through her feare of the Rebell *Bacon*
 and his Complices

It is thought reasonable y^t her land bee reftored to her provided fhee comply wth
 the A^{cts} of Affembly made in *March* laft and all other injun^{ctions} as fhall from time to
 time bee enjoyned her by the Grand Affembly

To her fecond petition praying y^t her Indians may not bee entertained nor
 employed by the *Engliſh*.

It is thought convenient that noe *Engliſhman* vpon any p^tence whatfoever employ
 any Indians belonging to the Queene of *Pamanky* to hunt or otherwaies nor entertaine
 them in their howfes aboue one night wthout a Certificate from her or by her ¶curem^t
 vpon the penaltie of Thirty pounds of Tobacco for every night foe entertaining any
 of her Indians.

To her prayer y^t fhee may haue the goods reftored to her which fhee left at
 her Towne when fhee fledd and were taken away by the *Engliſh*

It is thought reasonable that what of her goods can bee found y^t was foe left as
 aforefaid bee againe reftored And that fhee ſtand obliged to deliver vp all fuch horſes
 and other goods as fhee or any of her Indians tooke away from the *Engliſh* or haue
 purchafed from other Indians

To her petition, That to many of her Indians may not bee required on ſervice
 at once

It is thought convenient that not aboue one third of her Indians bee required on
 ſervice

To her petition praying that fuch of her Indians as are employed in the *Engliſh*
 ſervice may haue the plunder they gett from other Indians.

It is conceived reasonable y^t all such Indians y^t are or shalbee employed in the Countries service haue what plunder they shal gett from other Indians horses Armes and Amunition Excepted. And those to bee returned or delivered to such p^{erson} or p^{ersons} as shalbee appointed by the R^t Hon^{ble} the Govern^r or other authority appointed vnder him to receave the same

To her petition praying libertye to gather barque from trees from any mans land to build Cabins

It is thought reasonable y^t shee first obtaine leave from the Owners of such land from which shee would gather the same.

To her petition praying liberty to Hunt on the frontier lands and plantacons

It is thought reasonable y^t shee haue libertye to Hunt on the frontiers after shee hath delivered vp her Hostages According to Act. Provided they nor any of them hunt or passe abroad painted

To her petition wherein shee prayeth liberty to ffish at *Powhite*

It is conceived reasonable y^t liberty bee given to her and her Indians to ffish in all convenient places Provided they never ffish w^{thout} first giveing notice to Cap^t *William Bird* or such other as dwell neare the said places or some other y^t belongs to him or them.

To her petition praying y^t her Indians may not bee abused by y^e *English*

It is thought reasonable y^t if any abuses bee offered by the *English* to them y^t they haue recourse to a Justice of the peace whoe by his warrant may Comannd the p^{erson} or p^{ersons} doeing the injurie to appeare at the County Court where they are to afford all due redresse

To her petition praying liberty to Redeeme her Indians and goods

It is thought reasonable y^t shee haue liberty foe to doe (if shee can) And where the termes cannot bee agreed on y^t the matter be determinable by the County Court whose Order therin shalbee binding

[From the *Winder* Transcripts, II, 144 ff.]

A Letter to the Grand Assembly.

(subscribed as followeth)

To the R^t hon^{ble} the Governor,
the hon^{ble} the Councill,
and r^t worpth the Speaker,
of the house of Burgeses now Asssembled-
att *Green Spring*

This to bee Comūicated to y^r whole Assembly
from his Ma^{ties} Commiffion^{rs}
for the affairs of
Virginia.

Signed *Sā Wifeman.*

Most honoured Gentlemen.

WEE doe most heartily Congratulate this your happy Convention and returne to your late interrupted Freedome and Liberties from the force fury and Constraint of the late wicked and ruinous Rebellion among you w^{ch} the hand of heaven itselfe (in foe generall a defection) hath defeated and Confounded & most mercifully restor'd your former Peace (to a good degree) without the Aid or assistance of these fforges by his Ma^{tie} (at his greate expence) most gracioufly designed and sent over for your reliefe and succour, Befeeching Almighty God of his infinite wifdome to direct Councill and Assist you now att this your meeting, in all your debates & Consultations that they may centre in the Glory of God the Honour of his most sacred Ma^{tie} and the happy Restoration, publique Good, and long lasting welfare and resettlement of this foe miserably shattered and lacerated Colony, That thereby
you

you may deservedly Atcheive to yourselves the name and memorable reputation of the healing Affsembly. And that you may the more truly bee stiled foe, wee hope and desire that you will bee very headful (both for his Ma^{ties} Sattisfaction, your owne and our information) Thoroughly to inspect and searck fully into the depths and yett hidden roote and fourse of this late Rebellious distemper, that hath broke forth and been foe Contagious and Spreading over this whole Country: W^{ch} when rightly understood and made knowne will best direct and Indicate to his Ma^{ties} Royall wisdome and your own discretions what apt & wholsome Laws may bee most properly applyed not only to prevent the like evill consequences for the future, but also so effectually to stanch and heale the frefh and bleeding wounds these unaturall warrs and Rebellions have caused among you; that there may bee as few and small scarrs and marques remaine, as you in your prudent care and tenderesse can possibly bring them to; which cannot bee better effected (as wee conceive) than by well and advisedly weighing and consulting the p^{re}sent distemper'd Condition and Constitution of the generall body of the people, and by treating them accordingly.

As for what is incumbent on us to declare and concerne ourselves in, wee doe most heartily assure you. That according to his Ma^{ties} Royall Comission granted to us under the greate seale of *England* and his Ma^{ties} Instructions therewith given us, wee shall (pursuant to the power thence derived) most readily assist promote and advise you to the utmost of our understandings and abilities: and shall conclude ourselves most happy speedily to returne home to his Ma^{ty} fraught with those Burdens, wherewith you have been at any tyme oppressed and groan'd under, (the particulars whereof are yett unknowne to his Ma^{ty}) which have thus disturbed that peace and Tranquility, which his good subjects here have foe long enjoyed under his Ma^{ties} most happy Governm^t which you (by reason of the greate and remote distance from the usuall place of his royall Residence) could not foe easily make knowne unto him, as other his Ma^{ties} subjects who live at a neerer distance may. And therefore his Ma^{ties} royall care and Concernm^t for you hath been such, as to send us (his Com^{rs}) purposely over to you, to the end his Ma^{ty} may by us [be] thoroughly informed of yo^r respective grievances that have caused the distractions aforefaid, which, bee they few or many, great or lesse shall bee received and most sincerely reported and represented by us, to his most gracious Ma^{ty} who out of his Royall Pitie and Compassion, has been pleased to promise you a fitt and speedy Redresse thereof, as to his Royall wisdome shall seem meete.

And since it hath pleased his most sacred Ma^{ty} of his owne meer motion (as a matter noe lesse pleasing to God, then emergent to his Ma^{ties} service) to comend to our and your care and endeavours the procuring a peace with the Neighbour Indians, wee will in noe wise bee wanting with all earnestnesse to presse to you the speedy prosecution hereof and that you will joyne your utmost endeavours with ours, that it may bee a truly good and just Peace (since such a one only is like to bee most secure and lasting) and that you will please to call to mind how much you all owe to the equitable policie and prudence of the Right Hon^{ble} Governour (here p^{re}sent next under God for yo^r p^{re}servation and being here att this day, first by his succeffefull conquest, next by his wise and just [peace] formerly made with the Indians; the breach and violation whereof, haveing been still accompanied with foe ill consequences, as well to yourselves in Generall, by interrupting the freedome and debarring you the benefit of your owne Trade and Labours, as also the great detrement and losse which thereby redounds to his Ma^{ty} in his Revenues and Customes in *England*.

And for that in considerate sort of men, who foe rashly and Causelessly cry up a Warr and seeme to wish and ayme att an utter extirpation of the Indians (and are yett the first that Complayne and murmur att the charge and taxes that on any just occasion attends such a Warr) Wee would wish such to lay their hands on their hearts and seriously Consider with themselves whither it bee not a base Ingratitude, a namelesse Prodigie of Infatuation and neer madnesse in such men, as would make a breach with or strive to destroy and Extirpate those Amicable Indians (who are foe farr from hurting them

or us) that wee must justly confesse they are our best Guards to secure us on the frontiers from the Incursions and suddaine Assaults of those more barbarous Indians of the Continent, who never can bee brought to keepe a Peace with us, but will still continue our most implacable and mortall enemies and the more their dayly Murders and depredations are upon us, the more earnestly it inforces this Argument for a Peace with the frontier Indians.

Therefore wee would feigne endeavour to perswade these unreasonable sort of men to consider and understand their own security and interest, and to sitt downe satisfied, that they can quietly enjoy soe large and faire a Portion of their Possessions as they now doe. Enough and more than they either will or can Cultivate to proffitt, and not still covett and seeke to deprive them of more, out of a meere Itch of Luxury, rather than any reall lack of it. Which shames us. and makes us become a Reproach and Byword to these more Morall Heathen.

To conclude this particular, wee shall most earnestly exhort you and them, as you may justly hope and expect the blessing of Almighty God (who is a Lover of Peace and Justice, and that God should prosper this poore Country, and your p'sent consultations that you Endeavour to gaine and p'serve a good and just peace and Correspondence with your Indian Neighbours, That they may not hold up their hands and cry out against you, nor call you unjust or perfidious Least God in his own divine Justice should againe make them spectators of our Punishment, and lett them (as hee but lately did) look on, while, like men devoyd of Reason, Religion, Loyalty or Humanity wee were murdering Burning, Plundering, and Ruining one another, without Remorse or Consideration.

Gentlemen,

There is another thing which wee must also recommend to your Consideration (*Viz'*) the Reducing the great Salary of the Members of the Assembly to such moderate Rates as may render them lesse Grievous and burthenfome to the Country, and this wee cannot but earnestly offer to you, for that his Ma^{tie} hath been pleased to shew himselfe, soe signally concerned herein, as appeares both by his royall proclamation to you, and his private instructions to us. In order to an imediate Redresse whereof wee offer you our joint opinion as followeth.

First.

That an Act of Assembly may passe for the future calling of a new Assembly to bee elected and chosen every two yeares under the qualifications which the Right Hon^{ble} Governo^r can declare to you from his Ma^{ties} late instructions sent him over by us whereby to make those of the p'sent Assembly more ready to comply with his Ma^{ties} royall Comands for the Retrenching their former Salaries, whereas by reason of their constant fitting; they receive only and pay not; Which this alteration will well remedy, and make the charge and expence equall, by alternate Receipts and payments and consequently alleviate the p'sent pressure, w^{ch} the people seeme so much concern'd in.

Secondly.

Wee are of opinion that for the future noe Salary bee paid, received or continued to any member of Assembly for any longer time then hee or they shall there personally sitt, and shall cease during the Travelling time of their coming and returning to and from the said Assembly.

Thirdly.

That every Chairman of the severall Com^{tees} of Assembly doe for time to come, draw up their own Reports themselves, whereby to save the Country that great charge of clerkes purposely employed and paid for writing the same, some haveing (as we are informed) 4,000 lbs. of tobaccoe for scarce Twenty lynes Writing.

Fifthly.

That the people of the severall Counties for which you serve as Burgeesses may noe longer Complayne of the largeness of your Salaries, nor yourselves of the lessening and retrenching of the same. Wee also Comend to your p'sent care the Regulation and Abatement of the excessive and unreasonable rates sett by Ordinary Keepers, upon all
fort

fort of Liquors; especially in and about *James City* att Assembly times, which seemes to us the true reason, that the Members of Assembly cannot find their Account or bee content with a reasonable Salary because of such excessive rates and prizes [prices] which the Ordinary Keepers, do arbitrarily, and at their own pleasure and Liberty impose upon Liquors and the people. For remedy of which exorbitant abuse, wee desire you will please speedily to consider of providing such good Acts and Lawes as may best reforme and Redresse the same. Which wee conceive must bee done, by bringing down the great prices and rates of Liquors (and other things) and setting such reasonable and moderate rates on the same, as the retailers may afford them for with fitt gaines. And that this Law (soe to be made) may bee the more stricktly Inforced and Observed, wee also desire you will lay such a penalti or forfeiture upon the Wilfull Transgressours thereof, as may keepe them within the just bounds and limitts to bee sett and p^rscribed, which wee are of Opinion will bee best effected by transmuting that odious name of Informer, into that more Genuine one of calling such men Conservators of the Law.

This Course being taken, the Burgeses will easily apprehend, that this will bee so farr from being a Diminution of their Salary, that it will rather prove an Augmentation of it: For it is still as Ample as before when this lesser allowance, shall more then suffice, and serve to the same end as the larger did, by loring the said Extravagant rates, which waisted and expended their former Salaries.

As to such other grievances, as are of publique Concernment (as fast as they shall come to our Knowledge and examination) wee shall p^rpare to transmitt them home to his Ma^{tie} for his Royall Redresse.

And for all others, that relate only to private interest of Partie and Partie, Wee shall returne such to you of the Assembly to consider of (as improper for our inspection) and leave them to the remedy of your Laws, already provided, and hereafter to bee made for their just releife therein.

Wee shall wind up all, in this one hearty wish That you may soe unite, accord, and proceed in all your adeous [arduous] enterprises and Endeavours (tending to the Peace and Refettlement of this distressed Country) that you may putt a timely stopp to his Ma^{ties} Resolves of sending a farr greater force over, then what is already arrived to effect, even what your own ready Conformity and dutifull obedience to his Royall pleasure may (and ought to) doe without it, and can alone prevaile for the recalling home the soldiars that are now here, when his most sacred Ma^{tie} shall find (by your due and humble submission most sincere Repentence, and our true report of the quiet and peaceable Posture of affairs here) that there is noe more need of his Rigour and Justice, but of his Royall grace and favour towards you.

Wee can only add, that wee are upon all occasions most ready to manifest ourselves for our Royall Masters and this (his) Countrys service

Most hon^d friends

Yo^r most faithfully

humble servants,

Herbert Jeffries,

John Berry-

Francis Moryson.

From our place of Residence att *Swanns Poynte* n^r *James River* this 27th day of *February* 1676/7 in the 29th yeare of his said Ma^{ties} Reigne, whom God long preserve.

[From the Public Record Office, *London*, Colonial Office, Clafs 5, Vol. 1371.]

By his Ma^{ties} Com^{rs} for the affaires of Virginia.

WHEREAS in our late Gen^l Letter to the Governor and Assembly wee have recommended two things, both of them very important to the peace and settlement of this Country. i. e. The renewing a Peace with the neighbour Indians, and the Redresse of the great Sallary paid to the Members of Assembly, in both which wee have his Ma^{ties} instructions especially to concerne our selves; and for the first the p^rsent Governo^r is particularly order'd to demand our assistance in

in the managem^t and concluding a Treaty with the said Indians; Which though wee have declared by our said letter to the Affembly his Ma^{ties} desire of Peace with the said Indians; yet for that the sole pow^r of Peace and Warr are only inherent to his Ma^{ties} Royall Prerogative. It is therefore to bee understood that that part of the letter relating to the Peace, is not before you of the Councill and Affembly to Judge or determine whether or noe it bee fit or necessary, but only to offer your best Judgem^{ts} and Opinion as to what measures and methods shall most easily safely and honourably Conduce thereto, and no further are you to concerne yourselves in this matter, for it is peculiarly in his Ma^{ties} Governour, and is neither in the Councill nor Affembly any further then is aforesd.

As to that of the Salary of the Affembly Members, his Ma^{ties} instructions are peremptory in that particular. You shall reduce the same to such a moderate proportion as may bee noe grievance to the Country. And for the regulation thereof, the Governor shall have our best advice whenever demanded of us.

Therefore this and the foregoing Article wee desire to recommend by you particularly to the Governour as appertaining Solely to his Province. And if hee shall not have space of time sufficient to pursue and accomplish this part of his Ma^{ties} Royall Injunctions, wee shall then, offer them to the Governor that shall Succeed, to act therein as his Ma^{ties} private Instructions doe impower and direct him

Signed

By order of his Ma^{ties} hon^{ble} Com^{rs}

Sā Wifeman.

[From the *Virginia Magazine of History and Biography*, XIV, 278.]

The Commissioners to the House of Burgeses *February 27, 1676 / 7.*

Gentlemen

WHEREAS we have had brought to us certaine papers under the notion of greivances which upon our inspection, proved to be noe better then scandalous libells there being noe names nor proofes to justifye them, wee have therefore thought fitt to returne y^m (as such as wee shall do all others of the like kind for time to come) to you there Burgeses, now mett at this present Affembly, & wth all to lett you, and them knowe that for the future wee doe expect and require, that each Countie who shall have greivances to present unto us, doe send the same sealed up and directed to us, at our place of residence at *Swanns point* in *James river*, under the hands of such as will be ready to prove, and make out to us each article therein upon their respective oaths, which any two of us his Majesties Comi^{con}ers, have full power to administer *Therefore* to the end that noe man may hereafter pretend ignorance, or want of information for the Right drawing of & presenting their greivances aforesaid, *wee doe hereby declare, & explaine to them* that we will receive noe paper of greivance from ye hands of any, but of such onely as are quallified according, as by our late declaration we have expressely (meaning those who shall best deserve his Majesties Royall pardon, and appeare most worthy of this appointment, without diminution to his Ma^{ties} hono^r, All which wee Leave to you their Burgeses to be the judges and Attectors of.

And wee hereby appoint *Mundayes, wednesdays, and Fridayes*, for days of receiving and examination of greivances which wee desire may be forthwith made knowne to each Countie by you their Burgeses, that they may bring them accordingly:

Wee have alsoe sent you a true Coppie of the R^t Hon^{ble} Govern^{rs} warrant signed with his owne hand which we desire may be forthwith published for the better expediteing, & effecting what is thereby declared and required, and that there be noe longer delay,

delay, or backwardings in this weighty affaire, whereof his Ma'tie expects our speedy account, A vessell of advice waiting yo'r motion for her dispatch to *England*, we have noe more at present but Remaine.

Your Friends to serve you,
Herbert Jeffreys
John Berry
Francis Morrison

Swanns Point Feb. 27th 1676-7.

[From the *Virginia Magazine of History and Biography*, XIV, 279.]

The General Assembly to the King, *April 2, 1677.*

May it please Your Most Exc't Ma'tie.

WEE yo'r most Loyall Subjects the Councill and Burgeffes of yo'r Majesties Colony of *Virg'a* on our Bendedknees implore yo'r Ma'tie to accept of our Sincere and hearty thanks, as for your Royall favours from time to time Conferred upon this Country, foe more especially for your Royall pardon to our last *June* Assembly, & your *Royall* proclamation of grace and mercy to all the miserable seduced Commonaltie of *Virg'a* and most of all for the vast expences your Majestie hath bin pleased to disburse for the Assistance of your Majesties well affected Subjects, & Servants here, whome noe dangers, nor losses could terrifie from their Allegiance. The truth of which (although wee are well assured yo'r Ma'tie hath goodnes more abundance then wee can or dare make faults) yett since of late by reason of those frequent violations of your Royall authoritie established in these parts under the Right hono'ble the Govern'r & Majestracie thereof may be Lyable to question, Wee must humbly begg leave to offer to your Princely consideration, which may in some Measure justifie us ffrom the general imputation, who have bin tryed by fire, and did not our povertie hinder (god and our hearts being witneses) in Respect of our Loyaltie appeare true gold. In order to which your Ma'ties Royall favour Wee doe represent that your Majesties faithfull Govern'r S'r *William Berkeley* to demonstrate to the world how much more he tendered yo'r Ma'ties hon'r then his ownelife, in prefence of all the Councill and severall of the most eminent Burgeffes of this Colony did refuse the Peticon of the whole house of Burgeffes, requesting an unlimited Commiçon to be Signed for that grand Rebell *Nathaniell Bacon Jun'r* with this Protestation that he would suffer the severest death deviseable rather then consent to an action of foe pernicious consequences, till such time as the whole Councill did present him with a supplication to the same effect attested by their severall hands upon which conceiving that opposition to foe earnest a desire of the Representatives of the whole Country with the Counsell your Sacred Ma'tie had been pleased to appoint him, together with the reasons moveing them to it, being to save the effusion of the blood of foe many your Majesties Loyall Subjects, then apparently & violently threatned by an Atheisticall General & infatuated Soldiery, would possible have rendered him inexcuseable to yo'r Maj'ty with the greatest Regrett imaginable, he at last signed that power by w'ch this informable Colony for a long time had hardly breath enough left to make her groanings Audible. Further Wee prostrate ourselves to ye same Royall goodnes for Leave to offer, that though the Generallitie of this Country after the Death of that Notorious Rebell *Nath Bacon Jun'r* (out of the fence of their Almost unpardonable villanies) through the infinite mercy of god whose hand was pleased to Correct us, yet as it manifestly appeares, without designe to confound us, And by the unwearyed paines & prudent managem't of the R't Hon'ble yo'r Majesties Govern'r returned to their duty & Allegiance to your Ma'tie before your Ma'ties fforces (more earnestly long'd for by us then a Reprieve by a Dyeing man) design'd for the reducing of this Country were arived: Yet can we never sufficiently pay our thanks for that Signall act of favo'r whereby the Commonaltie of this Colony (prepossefled by that grand Rebell that your Majestie well approved his proceedings, and if

if your Majestie did condiscend soe low as to cast away a Royall thought upon soe Contemptable a place, it would onely be in favour of him, and for his Assistance) are disabused, and now made highly sensible that yo'r Sacred Majestie hath espoused all the injureys offer'd yo'r Majesties Authority here as if they had bin done to your Royall Selfe, which we hope will be a great meane for the future to prevent all Treasons and Rebellions.

To this with your Majesties Royall Leave Wee add humble and hearty desires of pardon for these our unpollisht addressees which can have noe other end, but upon our knees to supplicate your Majestie after the example of the King of Kings whoe would have spared a whole Cittie for the sake of ten Righteous persons, for soe many hundred whoe have bin boeth active and passive in your Majesties cause, and your Ma'tie hath already pardoned the whole Country (except whom your Ma'tie and the Govern'r hath excepted) for which we owe our never dyeing thanks soe to receive us & them to your wonted Royall favour.

The Almighty God prosper yo'r Royall Maj'tie in all peace prosperity, & length of dayes, lett yo'r enimyes be cloath'd with shame & confusion, but upon your owne head lett the Crowne flourish, till it shall please God for a reward of your Princely graces to call your Majestie to change it for an incorruptible Crowne of glorie.

Your Ma'ties Most Thankfull most humble, & most obedient Subjects & Serv'ts ffor & on behalfe of the Councill.

Phillip Ludwell, Dep'ty Sec.

Signed by order of the house,

Augustine Warner, Speak'r.

ffrom the Assembly at *Green Spring, James River.* Dated the 2d of *Aprill* 1677.

[From the *Virginia Magazine of History and Biography*, XIV, 281.]

The General Assembly to the Duke of *York* April 2nd, 1677.

May it Please Yo'r Roy'll Highn's

THE Council and Burgeses of this lately distressed and almost ruined Colony of *Virginia* by a groundless Rebellion most humbly prostrate themselves at yo'r Highnesses Royall feet for yo'r great and gracious Assistance of us poor Remnant of his Ma'ties Loyall Subjects Signified unto us by the R't hon'ble the Govern'r's Lady, who has often assured us that it was by yo'r Royall Highnesses goodness, that we had soe great, and timely Assistance: For though May it please yo'r Royall Highness the Rebels were reduced to their obedience some weeks before the arrivall of his Majesties forces, yet the certaine knowledge of this Approaching Royall Assistance soe terrified the Rebels that they faintly prosecuted their Rebellion, And the lesse guilty retired or Submitted to the mercy of our Prudent and good Governo'r.

Nor is this all the Benefitt that this Royall aide gives us but it will Secure us for the future, now the disloyall Sensibly feell & see that his Majestie, and yo'r Royall Highness will never be wanting to Assist your Loyall Subjects, the Contrary of w'ch was insinuated to the Rabble, and the Seduced made beleive, that it was indifferent to his Majestie who had the government of the Country, soe his Majestie had the Customes, But this (by us never to be forgotten) gracious assistance will (wee hope) for ever keep them from haveing such Rebellious thoughts for the future & secure the Countrey from Sedition for many ages.

The Almighty God of Heaven blefs & Prosper yo'r Royall Highness with all blessings of this World & in the world to come may the ffruits of yo'r Royall goodness and Piety make you glorious to all eternitie Soe prayes.

Yo'r Royall Highness's Most gratefull Most ffaithfull & Most obedient Servants For and on behalfe of the Councill,

Philip Ludwell, Dep'tie Sec:

Signed by order of Assembly.

Augustine Warner, Speaker.

From the Assembly at *Green Spring James River* Dat: the 2nd of *Aprill* 1677,

[From the *Virginia Magazine of History and Biography*, XIV, 282.]

The General Assembly to the Duke of York, April 2, 1677.

May it Please your Royall Highness

A TRUE and deep Sence of our owne demerits, and his Maj'ties and your Royall Highnesses most gracious favours layed us low at his Majesties and your Royall feet, in a Right humble acknowledgement of both, the Honnourable Coll'o *Morrison* havinge follicitously fought on all occasions to make us truly sensible how much wee all owe to the abundant grace, and free goodnes of yo'r Royall highness towards us in passing your Royall promise that those Patents granted to the detriment & preffure of this poore Country should be called in and vacated.

A Deed soe much the more great and eminent in that Yo'r Royall Selfe is (alone) the Originall President and promoter of this great good, and Royall beneficence conferred on us, as Alfoe by the honorable Coll'o *Herbert Jeffreys* report to us, wee stand confirmed in your Royall Highnesses reinfatance hereof to him; upon this therefore your owne Royall Pitty, and Compaffion that freely wrought and obtained this for us wee are encouraged to hope and on our knees in all humilitie doe Supplicate yo'r Royall Highness to become our gracious and most powerfull intercessor to his most Sacred Majestie (yo'r Royall Brother) to give us his gracious Regard and acceptance of our most Sincere unfeigned Repentance for our late disloyalty, and of our due Submission and ready returne to our former duty, and obedience before his Majesties forces, designed for our Reduction arrived here.

And Soe praying (as wee are in all duty bound) that Almighty God would Crowne all yo'r Royall Enterprizes, with all glory hon'r and Success we Remaine.

Yo'r Royall Highnesses Eternally obliged and Most devoted humble Supplicants and Servants.

From the Assembly at *Green Spring*, James Riv'r Dated the 2d Aprill 1677.

[From the *Virginia Magazine of History and Biography*, XIV, 283.]

The Generall Assembly to Lord Arlington, April 2, 1677.

Right Honourable:

SINCE the arrivall of the hon'rble Collo. *Francis Morrison* it has still been his diligent Concernment to acquaint this Country, how much wee all owe to your Lordships favour, for that your Lordshipp was noe Sooner sensible how prejudiciall the grants of lands in this Countrey was to the poore inhabitants here, but of yourselfe you nobly and Spontaneously at the very first motion threw downe and Relinquist the Right of a Royall Patent intitling yo'r Lords'p to a propriety in certaine lands in this his Ma'ties Colony, And that as Collo. *Morrison* assures us with an alacrietie and profession before his Majestie and his most hon'ble Councill (more free to the Surrender then to the first) accepting of it.

Which is an act of soe honorable a beneficence, soe peculiar soe adequate to yo'r owne hon'r and soe unworthy of us that it Surpassed Our humblest gratitude to expresse, especially since it was a favor unasked of us, unexpected to us, and unmerrited by us, a president of Generosity, soe Superlatively high, that it will be recorded here, (as it justly deserved) to posteritie to preserve your Lordships memory, as most precious most gratefull to us, and that yo'r Lordships name be ever hereafter mentioned but with this Appendant note of hon'r.

What can we say more, what more desire (next to yo'r Lords'ps long lasting prosperitie) then the happy Continuance of your hon'rs inestimable favours to us.

Your Lords'ps most Devoted, most humble & most gratefull Servants, on behalfe of the Councill.

Phill'p Ludwell, Dep'ty Sec'r.

Signed by ord'r of ye Afs'bly.

Augustine Warner, Speaker.

from the Assembly at *Green Spring*, James River. Dated the 2d Aprill 1677.

General Assembly to Sir *Joseph Williamson*, April 2, 1677.

Right Honourable:

WE haveing sent our most humble & unfeigned Submission to his most Sacred Ma'tie and Letters of thanks to his Royall Highness, and the R't Hon'ble Lord *Arlington*, we held it wholly improper to intermix matters referring to his Majesties Royall interest, and the publique utility of this his Colony in any of the forementioned Letters, But in all humility to acquaint yo'r hon'r therewith, whose province it properly is, to present to his Ma'ty the great inconveniencies that dayly doe, and for the future must inevitably fall upon this his Majesties Colony of *Virg'a* by reason of those independent governments bounding it on the North and South as will appeare by the following heads of particulars.

1st. As to the government of *Maryland*, which ingrosses to it Selfe foe great and unlimited priviledges and assumes Such *Ottomon* Tyttles, and Arbitrary Powers, as to try and Punish offend'rs in the name of the proprietor, and administering Oathes of Fealtie without any Salvo to the oath of Allegiance to the Kings Majesty.

2. That by this difunion is not only foe much land seperated from the Crowne but foe many Subjects lost to his Majesty. The inhabitants here frequently deserting this Colony, under pretense of gaineing Lands in *Maryland*, Soe that lands already taken up here (That might else be leased out) continue uncultivated for want of Tennants, and upon any dislike or implacency to his Majesties Royall Commands fly over to *Maryland* or *Carolina*, and reside there.

3. Our Servants and Slaves Runn away thither upon any fault Committed, Sullen humo'r & disgust of theiress, and though care be taken there for their Apprehension yet the charge and trouble of sending after them, Fees, officers, and unreasonable demands of those that take them, oft exceeds the vallue of their time of Servitude.

4. Our Debtors often escape thither, where the Lawes being different from ours, and the Charge of their Courts exceeding high, makes the Cofts and charges of Suit oftimes exceed the vallue of the Debt sued for.

5. The Indians that are foe mortally enimyres to us, are in peace and amity with them, and upon all injuries offer'd us retreat, and are Safe under the protection of their governm't.

6. The advancement of our Commodity of Tobacco is much depreffed, and the prices made uncertaine, by reason (they of *Maryland* being under another government) wee are not capable of Regulating our trade by such Lawes and restrictions as may be able to keep them within their just bounds.

7. That the *Isle of Kent* in *Maryland* granted to, and feated, and planted by Collo. *Clayborne* Sen'r and formerly a Limbe, and Member of *Virg'a* as may appeare by our Records (they haveing sent Delegates to sitt in this assembly) & divers other Indian proofes, and evidences which is since lopt oft, and deteyned from us by the Lord *Baltamore*.

Lastly and chiefly (though *Maryland* hath bin unconcerned in this late Rebellion), yet if *Maryland* & *Carolina* had bin boeth Subordinate to the King, there had bin Little or noe need of sending forces over from *England* upon this late unhappy occasion, For *Carolina*, (which has noe River betwixt it and us, but is one broad Road) instead of being a Subterfuge to the late Rebels, Trayto'rs and Deferters of *Virginia* (as it hath bin, and still is) would have proved a meanes of quelling securing, and reducing them to their obedience, and might be a meanes to prevent the like for the future if those provinces were reduced under the same Lawes & immediate influence of his Ma'ties Royall power & Government. And not what [that] we desire to have the proprietie to their Lands taken from them; All which we humbly conceive to be noe Less for his Majesties interest than for our owne Publique safetie and advantage: S'r wee are all sensible that this is noe time for us to ask any thing but pardon, yet hope your hono'r will foe some
opportune

opportune time, when you will please to think fitt to move his Majestie in our behalfe that those most humble Addressees formerly sent over by our Agents may be revised by his majestie while we endeavor by all wayes possible to deserve yo'r Hono'r's favorable Assistance, and to Regaine his Majesties gracious and Benevolent Aspect towards us.

Your most humble and Devoted Serv'ts.

from the Assembly at *Green-Spring, James River April: the 2nd 1677.*

[From the *De Jarnette* Transcripts, II, 402.]

To his Majest^s Commiffion^{rs} for y^e Settlement of *Virginia* in these troublesome times of Rebellion & General disturbances.

THE humble Representation of y^e Colony & Assembly of *Virgin:* shewing That in all y^e time since y^e dissolution of y^e *Virgin:* Patent not only then but ever since they have from time to time received assurances und^r ye Broad Seale of *England* & by many other waies & declarations from y^e then King & ever since from time to time that their Estates should be in all respects conserved & in no sort prejudiced.

During w^{ch} time y^e Petitio^r Co^l *Claiborne* hath been resident in *Virgin:* & enjoyed as a Counfello^r & Secretary of State there y^e benefits thereof And did accordingly by vertue of Commiffions und^r his Majest^{ys} Governm^t & Seal of *Virgin* & by expresse directions from y^e Commiffions und^r y^e Broad Seal of *England* discover & plant y^e Isle of *Kent*.

From this time it continued und^r y^e Governm^t of *Virginia* Warr^{ts} were directed to arrest men at the Isle of *Kent* one man was brought down & tried in *Virgin:* for felony & many were arrested for debt & returned to appeare at *James Citty* & so in many particulars.

It continued und^r y^e Governm^t of *Virginia* untill Lord *Baltamores* Officers came & expelled us by force of armed men severall times but especially they wounded & hanged o^r men without any tryall of Law—or any just cause given They took away all o^r Goods Servants & Cattle there & in like man^{er} they displanted us at *Palmers Island* out of their limits in *Susquohanouh River* All this they did to us though we p^{re}sented them & gave them Copies of his Majestys Com^{mands} to y^e contrary strictly Com^{manding} them not to molest us to w^{ch} we had no other answer then sligh^tings & contempts.

March 13 1676/7

W Claiborne

[From the *Winder* Transcripts, II, 169 ff.]

Northampton Grievances.

THE Agreevances of y^e Inhabitants in Gen^l to say Houfkeepers and freeholders of *Northamp^t* County committed unto theire Burgeffes to p^{re}sented unto yo^r Right Hon^{ble} Gov^{rs} his counsell and Burgeffes humbly—

Petitioning for Redrefs.

1. Whereas our county som yeares since was contrary to our expectation divided into two Counties to our great Detriment and Loss notwithstanding y^e great advantage Coll. *Scarborough*, y^a made and p^{re}cured to y^e County of *Acomack* ag^{nt} Lev^{nt} Coll. *Waters* y^a his fellow Burgeffs; y^e premises dewly considered Desire (as we humbly Conceive) but Reasonable y^t our County may be answerably Inlarged as theirs.

2. That we may have Liberty graunted us to Choo^{se} a new Vestery, and y^t Every three yeares a new vestery may be Chosen.

3. That y^e Act Concerning paying for Killing of Wolves, Beares, wilde Cats & Crows

Crows or y^e Like may be Repealed since no man but will for his own good & security Indevour to y^e utmost to destroy all possibly he can;

4. That any housekeepers may have a Coppy at any time of y^e Clerk of y^e Lifts of Tithables and by y^e s'd Clerk attested paying Reasonably for y^e same.

5. That no p'son may be sett Tax free but by a full board and not by any magistrates p'ticular favor to y^e great oppression of other poore p'sons.

6. That it may be granted us to make a free choyse of six house Keepers wth out Interposing of any over Ruling Majistrate and to Continue y^e Numb^r who may be admitted and authorized to sitt Vote assess and Examine y^e Lifts of Tithables yearly at y^e Laying of y^e County Leavy, giving them Lawfull Notice of y^e same to prevent future oppressions, and abuses; as we humbly suspect and conclude to have Received heretofore, w^{ch} Reasonable Request if deny'd us; must and will submit: Then crave (by y^e Reason) we have a Court of Brothers; Priveledge may be granted us and Confirmed (if they Continue) to have our choyse of y^e s'd fowre Brothers, two of them only to sitt at our s'd yearly assessing ye County Leavy.

7. That our County Records may bee free open for Every man to search and Require Coppies as their occasions; frō time to time shall and may Require at y^e apoynted place and office, paying ye Clerk his Just fees.

8. That Courts may be kept more duly according to Act of Assembly wth out often Reseuringment¹ at pleasure, without apperent just cause to y^e great charge & detriment of y^e People, As also sitting at y^e apoynted hours; y^e Contrary forcing people Especially in Winter to Return home and to Comitt their business unto others to their Loss and Dissatisfaction, or els expose themselves to trouble and be Bourthenfome to their Neighbours houses; w^{ch} possible may be prevented by early sitting:

9. That we may have Liberty to Appeale in any Dubius Case, though depending upon a far smaller value then Three Thousand pounds of Tobacco w^{ch} would not heretofore be permitted.

10. That no Drink may be sold wthin a mile of ye Courthouse at any of ye court sitting days Considering y^e Detraction of time and y^e Rudeness of people where Drink is sold at Courts neglecting their business spending and wasting their Estates Abusing themselves, and Authorety Quarrelling and fighting wth all Imaginary Illconveniences, and Evill consequences thereby Accruing.

11. That no ordinary, or petty Tipling house may be allowed in our county: A means to keep young freemen and others from Running into *Maryland*:

12. That there may be a Considerable fine and Stricter Injunction Incerted or added to the act concerning y^e Court to examine their orders in open court and not any p'ticular Majistrate to presume y^e same Private at his house w^{ch} y^e Clerk contrary to the true Tenure of Law (in force) when often y^e Majistrate so doing is not prsnt at half of y^e orders entered whereby possible many illconveniences may arise and Corruption practised as heretofore on our *Eastern Shore*:

13. The moving Case of y^e s'd act as upon Just complaint that Sherifs and Clerks may be ordered to doe something *Ex Officio* as well as magistrates and other officers. As for attending ye orphans Court when often none or few Acompts be brought in; and usually done at the county court time; Ditto as to orders and copy of orders; so constables, Survayers of highways summoning y^e People to Chooze Burgeffes Returning them summoning of Juries before need when oftentimes in 3 or 4 Courts not one Cause is put to a Jury or at Least to moderate their fees, w^{ch} by those means and y^e Like they Raise often unreasonable sums and allowed them.

14. That y^e Indians of y^e *Eastern Shore* in *Virginia* may be obliged to Kill a Certaine Numb^r of wolves yearly having a dayly opportunity by Ranging y^e woods; for Such Satisfaction as may be thought fit wth out y^e pfit of p'ticular men;

15. That no Sheriff may officiate two yeares together.

16.

1. So in the copy. The context shows that the word means rising of the court, or adjournment.

16. That no p'son may be admitted to beare any office untill he hath bin an Inhabitant five years in ye Place where he shall officiate, and y^t all those not of that continuance may be Dismissed untill further Tryall of their fidelity & Trueth.

17. That whereas our Shore is Incompassed wth Sholes Incomuch y^t no Ships but of small burden can com to Trade and those y^t com but few and Inconsiderable. It may be tacken in consideration and accordingly Ordered y^t no p'sons in our country may be suffered to Ingross any commodaties (as formerly) to y^e great prjudice of y^e commantry; to say y^t no man shall within fix weeks or w^t times may be thought convenient after y^e ships or vessell mooring in y^e Creek Buy more yⁿ his own crop doth amount unto; at any ftoe;

Wee, ye Inhabetants of *Northampt County In Virginia*, haveing given in our agreevances to our Burgafes doe make choyce of thes tenn men as Trustees to draw our agreevances in A ffull and Ample man^r To be by them Dilivered to our Lawfull Burgaffes

Signed,

Jno. Michael, Seny^r,

Tho: Harmanfon,

John Waterfon,

Richard Lamby,

Thomas Hunt,

Will Spencer,

Jn. Custis, Jr.,

Argoll Yardley,

The marke of

Arthur Apfher,

The marke of

Wm. Starling.

[From the *Winder* Transcripts, II, 179 ff.]

Isle of Wight Grievances.

WE have seen the declaratione from his Majesties Hon^{ble} Commissioners to the poore yet his Ma^{ties} most Loyall subjects of the *Isle of Wight* countie wee have presumed to return this to your Honors that wee have cause to believe ther are many persons who have endeavored to infuse into you verry sinister opinions of our proceedings in relation to the disturbance which was in this country the which to the outmost of our knowledges and intents wee will declare. Wee haveing a long tyme layen under great oppreessions and evrie year being more and more opprest with great taxes, and still doe load us with greater and unneccessarie burdens; it was enacted by the Gov^r and asseembly for the building of forts back in the woods upon severall great mens Lands, under pretence of securitie for us against the Indians which we perceaving and verrie weell knowing that ther pretence was noe securitie for us but rather a ruine to the countre which was the cause of our riseing with intents to have our taxes Lowered not that we rose in any wayes of Rebellion against our Most dreed Sovereigne Lord the King. as by our actions may appeare, for wee noe sooner rose, but wee sent in a petitione and our agrievances to S^r W^m Berkeley, K^{nt}, who was not at home but the Ladie Berkeley promised that shee would acquaint his Hon^r with our busines and by her requist or Comand, wee evrie man returned home, and as for our being in armes wee was commanded thereto by one act of Gov^r Counsell and Asseembly.

2ly. After this it was the Gov^{rs} pleasure to send an order for a new election of Burgeffes which was in *May* last to the best of our remembrance the which was done according to his order which priviledge wee had not in twelve yeares before, foe wee all expected redrefs from this Asseembly but nothing Answered but only to the Indian warr, ther was fifty seven men Leavied for to goe out of the *Isle of Wight* County under

the

the comand of *Nathaniel Bacon* a persone whom we knew not nor till that tyme never hard of though notwithstanding in reference to the Command of the Gov^r and Assembly, our men was raised and sent with two months proviſione at which tyme when as our men was gone and under the Comand of Squire *Bacon*, S^r W^m. *Berkeley* was raising of men againſt them in *Gloſter* to the quantitie of fower or five hundred men as wee are credibly informed whom when they underſtood upon what account they wer raised told his Hon^r to fight againſt ther County men neighbours and friends, they would not, upon which the Gov^r went away and all the great men Whither wee know not and left us as Sheep without a Shepherd to the mercy of the heathen, Yet under the comand of *Nathaniell Bacon* and this as much as wee can ſay of this diſturbance.

3ly. As to our oppreſſions where as Cor^l *Joſeph Bridger* for intertaining of Cor^l W^m. *Coole* Cor^l *Charles Morifon* Cor^l *Lambe* [*Lemuel*] *Mafone* two or three dayes in dividing of the Counties had between fourteen or fifteen thouſands pounds of tobacco from our countrie which wee humbly conceive is on great oppreſſion.

4ly. That Cor^l *Bridger* had fined ſeverall men for not coming to trouping or elſe where which were fined ſome one hundred 200; 300; pounds of tobacco all the which wee deſire to know to what uſe it is put and that it may be produced for a publeqe good it amounting to ſeverall thouſands of tobacco, the which as wee doe ſuppoſe Cor^l *Bridger* makes uſe to his own private Intereſt.

5ly. Whereas formerly it was accounted a great leavie that was 40: or 50: pounds of tobacco *per* each when we wer not half ſoe many tithables and a continuall warr to be maintained, and now wee know noe occaſione extraordinarie, yet wee paying neer two hundred a head yearly, but for what we know not.

6ly. That great quantities of Tobacco that was Leavied upon the poor people to the building of houſes at *James town*, which was not made habitable but fell down again befor they were finiſhed

7ly. That notwithstanding the great quantities of amunitiōe payd by ſhipes for fort duties for the Countries ſervice and conſiderable ſumes of tobacco raised to maintain a magazine yet upon all occaſions wee are forced to provide powder and ſhott at our proper charges or elſe fined

8ly. That wee have been compelled to buy ourſelves gunnes, Piſtolls and other armes to maintaine ſeverall of our comanders Hon^{rs} and keep ourſelves from fineing haveing been ſeverall tymes threaten befor wee could procure them which ſome of us bought it at dear rate of them have now taken them away from us the which wee deſire to be reſtored to us again.

9ly. The more to encourage the Indians againſt us they have ſent ſeverall of them out armed to look after our Chriſtian Neighbours who are gone ſome where to ſecure themſelves.

10ly. That ſeverall P^{er}ſons eſtates are ceaſed and part taken away befor the owners is convicted of any crime, notwithstanding they layed hold of the hon^{ble} Gov^r act of indemnitie and have taken the oath of Allegiance to his gracious Māje and fidelitie to his Mājes Gov^r

11ly. Wee deſire you our Burgeſſes to give none of our eſtates away as formerly ye have done, but if ye muſt give ſuch great ſummes diſpoſe of your own.

12. Whereas it was formerly a cuſtome for Sheriffs to remaine in ther place but one year, now it is altered, for they doe find ſuch a great benefit by it, that they will buy the office, and hold it two yeares ſoe that they predominate over the poor comentrie, whereas the Sheriffs are allowed ten pound for evrie hundred that a hogſhead containes beſides his fellarie, he allowes us but thirtie the which wee deſire he may be taken off from it or allow us as much.

13. Alſo wee deſire that ther may be a continuall warr with the Indians that we may have once have done with them.

14. Wee deſire we may have libertie to chooſe our veſtries once in three year and that their may noe member of the Court be ther in.

15. That no Counsellor may sit in any inferior Court.

16. Also wee desire that evrie man may be taxed according to the tracks of Land they hold.

17. That Major *Powell* had a hundred pounds of tobacco a day, for goeing along with the Gentlemen who divided the Counties being as wee conceive nothing concerned.

18. And more to exact he had twelve pounds of tobacco *per* pool to buy us amonition the which wee never had.

19. Wee desire you our Burgeses to call to accompt and examine the collectors for the collecting of the 2^d and 2^d a hoghead which hath been thes many yeares received but to what use it is put wee the poor ignorant inhabitants knows not, nor how disposed off being sensible that the Marchant exhaust the same in selling his goods and that wee pay it, and how and by what power and law the Collector demands 2^d a hoghead for what, we doe requit to know and if not Legall to dissanull it for the futur wee doe humbly conceive that the 2^d a hoghead was raised for to discharge our Countrie taxes therefor wee desire our Burgeses to admitt our hon^{ble} Gov^r to have his just dew out of it, which is 12 hundred pounds a year and the remainder to assit us the poor inhabitants towards these great burdens and taxes which wee groan under thes many yeares being not further able to bear it.

20. That by a late Act of the Grand Assembly to load us with further taxes hath enacted forts to be built in severall places of this Collonie, which is as wee humbly conceive for nothing else, but for the private use of some particular persons and not at all for the commons good neither to our certaine knowledge any wayes, a defence for us, against our most Barbarous enemies who are as wee humbly conceive to much favoured imboldened and encouraged, to warr with us but not wee with them being bound absolutely to the peace as our apprehensione tells us, by that Act. Wee therefore desire that wee may not be burdened by the building of the fors'd forts nor that wee have any built and that they may be quite taken off and quitted from all and evrie one of the pretended charges that may or shall be presented by any, let them be of what nature and qualitie soever they may be pretended as ane order to the erecting of the afor^d forts wee not being able to undergoe soe chargeable a compulsion wherein ther is nether securitie nor defence.

21. Wee doe also desire to know for what purpose or use the late publique leavies of 50 pounds of tobacco and Cask *per* pool and the 12 pound *per* polle is for and what benefit wee are to have for it which if it be for our, or our childrens good and that it doth plainly appear soe wee are willing to the payment thereof but otherways those that have received our tobacco to return it us again to the relief of our selves and poor families being verrie unable to pay it.

22. Wee desire to know for what wee doe pay our Leavies evrie year and that it may noe more be layd in private but that wee may have free libertie to hier and see evrie particular for what it is raised and that ther may noe more fifts be given to noe particular person or persons whatsoever nether in publick or by private, which hath been, one only means to make us poore and miserable.

23. Whereas formerly it was the custome of Master of Shipes to pay ther Castle duties in powder and Shott which was a fastie for this Collony att all tymes, and at war against our Indian enemy or others which should assault us, now it is as wee understand converted and that dewly altered by paying it in shoes stockens linnen and other Merchantable goods as the Collectors please, and disposed of to ther own advantages being noe profit or ease to country or people, nor noe ease to our intollerable taxes therfor we desire yo^r Hon^{rs} to have ane account of this great bank of Mony and wher it lys that it may be produced for the Countrys good and for the futur that it may be payed in Powder and Shott as formerly and remaine as a Magazine for the service of Countrie.

24. Whereas ther is one act that burdens the Countrie with Amercements in the Generall and Countie Courts to know what it is for and to what use it is put and who hath

hath pocketed it which is against all reason, for many an honest and good paymaster may be sued by too rigid a creditor for what he is willing to pay it if he had it and it is enough to have judgement for his debt and this Amercement exhaust from him beside which is too much to the ruine of the debtor.

25. Whereas there are some great persons both in honor, rich in Estate and have severall wayes of gaines and profitts are exempted from paying Levies and the poorest inhabitant being compelled to pay the great taxes which we are burdened with having a hoghead or two of tobacco to pay for rent and near two hundred yearly for Levies having a wife and two or three children to maintain whither our taxes or not the greater by such favour and priviledges granted them which we desire to be eased of by their paying of Levies as well as we they having no necessity from being so exempted.

26. And as for the oath that was sent down to us by *Nath: Bacon* was first concluded by severall of the militia officers Lieutenant Corn^l *Arthur Smith* being the chief in our Countie, who was with Squire *Bacon* at the *middle plantation* and there received the oath, and by that means we took the oath yet so as Saving our Allegiance to the King.

Whereas there are severall clerks in County courts hath exacted their fees on severall persons and especially upon widows and orphans to both their ruins, we desire that a certaine rate may be put upon the administration And all other fees thereunto belonging.

We also desire you who are his Majesties Commissioners, for to take a view or cause to be taken of the forts that we have here made which have cost the country many hundred thousands pounds of tobacco and that we conceive that one fort at *Point Comfort* had been better and more securer for the King and Country, for had there been a fort there by all mens relatione the *Dutch* had never attempted to come up the river and burned so many ships as they did.

(Signed)

Richard Penney,
a very busy man in these tymes.

John Marshall.

Richard Sharpe.

Richard Jorden, senior,
one of *Bacon's* Representatives.

Edward Miller,
a harmless poor man.

John Davis,
his marke.

one that hath bin in armes ag^t ye Governm^t.

Antho^y fulgham.

a Busy ^{Person} that brought this paper to the rest to subscribe w^{ch} was written by *Marshall's* Serv^t att the desire of the Subscribers hereof.

[Indorsed]

Isle of Wight Grievances
Brought March 5
For the Burgeses
To bee pursued and Return'd
To His Ma^{ties} Com^{rs}.
[Signed] *Sa: Wifeman.*

A DUPLICATE of the grievances of ye County of *Rappahannock* taken at a Court there held the 13th of *March* 1676 by vertue of a Warrant (to that purpose) from the Right honble Governo^r, whereof the one part to be humbly p^resented to the Right hon^{ble} his Ma^{tie}s Commi^{ss}ioners, & the other unto the hon^{ble} the p^resent Grand Assembly as followeth *viz*

1st The first thing that wee complaine of to yo^r hono^{rs} is the great want of honest able sober pious & orthodox Ministers the want whereof & of y^e due administration of Divine ordinances have bin the originall cause of the severe Judgments that have fallen upon this Land wherefore it is desired that yo^r honors would be pleased to moove his Ma^{tie} to send us an annuall supply thereof.

2. That an hon^{ble} peace may be concluded wth the Indians if possible o^r necessities being such as rend^{rs} us incapable to maintaine a Warr wee not having wherewth to subsist but must of necessity perish if wee make not come this p^resent yeare, the Indians having already robed most of us of whatever may rend^r life Comfortable

3. That if yo^r hono^{rs} see Convenient to continue a Warr wth the heathen that it may be prosecuted effectually, & managed in such sort that some Counties may not be totally ruined while others live in their full blowne height & happiness, flourishing in the profitts of their labours w^{ch} they enjoy in peace and quietness whilest poore *Rappahannock* lies a bleeding whose number of people murdered & estates destroyed can find no parallell in *Virginia*, yet some of o^r neighbo^r Counties are soe narrow hearted & close sisted as to think it none of their duty to assist us in destroying the blood thirsty Indians, but would willingly leave us to fight the battles of the Republique, or else not to enjoy either freedom or profit, of both w^{ch} wee have bin debarred a long time.

4. That if the Warr be continued wth the Indians that *Rappahanock* County may be exempted from paying any Charge thereof by reason the Indians daily entrenching on us hath rendred us incapable to Contribute anything thereunto being at p^resent left in soe low an estate and condition that it would be a hard matter for us to maintaine life if wee escape an Indian slaughter, w^{ch} will undoubtedly befall us unless yo^r hono^{rs} send men to our assistance, for while wee are tending come to feed our wives & children the Indians (if wee have no guard over us) would butcher us in our fields, they being soe frequent about us, that wee dare nt stirr from o^r plantations other Counties making crops hath induced o^r freemen to leave us, who are gone to more safe receptives where they may make profit of their labours & if the burden be soe great to individualls who have no charge, wee leave it to yo^r hono^{rs} serious Consideration, how great it must of necessity be to those who have great Charges & nothing wherewth to maintaine them in a Word o^r great feare continuall Danger & Known wants are such that wee want words to exp^ress them—therefore leave the redress thereof to yo^r hono^{rs} wisdomes.

5. That yo^r hono^{rs} would be pleased to examine how the sixty p^{d} poll w^{ch} was Collected from every tithable two yeares late past, hath bin disposed of the Comonality of this Country being altogether, in the dark & still Ignorant what advantage accrue to them by that great Assessement, & that if the said tax be found by yo^r hono^{rs} to lie dormant in the hands of some perticular Persons that they be forc^t to reimburse the Country.

6. That an account be rendered to yo^r hono^{rs} of the 2^d p^{d} hoghead & how disposed of, & if it shall be found his Sacred Ma^{tie} hath not disposed thereof, it is humbly desired that yo^r hono^r would moove his Ma^{tie} in o^r behalfe that he would gratio^{usly} please to condiscend that the said Imposition, may for the future goe to defray the publique taxes of this poore Country & that an annuall account thereof may be rendred by the collectors of that duty to the Assembly.

7. That all persons whatsoever pay levie except the aged & Impotent & that every person that shall Informe against any delinquent in this case, & afterwards comply for less than the law allows, that he or they who can proove the same may have the like Judgment against the first Informer, as he had against the delinquent to avoid future fraud.

8. That no man hold more land then what he paid quitrent for & that whoever shall conceale any land by him holden & not paying the Kings due the first person who Petitions for the same may have a grant thereof proving the fraud.

9. That none who have freely & Voluntarily affited *Bacon* in his damnable Conspiracy may be admitted to sitt as Judges in any Court.

10. That all officers of publike trust may be conferr'd upon none but discreet & Knowing gentlemen, and that none may be admitted to sitt in the seat of Justice whose yeares & slender education speaks him uncapable to act in soe high a sphear.

11. That all ships arriving in this Country, doe for the future pay theire castle & fort duties according to an act of Assembly made to that purpose *Viz* in powd^r & bullet, & that a publike magazine be raised for our defense.

12. That a Convenient place may be appointed in the center of the Country for the future meeting of the Assembly & that all Generall Courts may be there Kept w^{ch} will be a great ease to the people of this Country, & that care may be had for the erecting townes in every County in the Collony wth all Convenient speed.

13. That if reparations Cannot be had in our great losses from the other parts of the Country (by reason) of the poverty thereof occasioned through the late unnaturall Commotions) (to whom wee have bin as a bulwark & defense. Regard may be to our great sufferings & Loyallty in the ease of the publike levies or from his sacred Ma^{tie}.

14. That as often as their shall be occasion for any new election of Burgeesses that the freemen of the Country who pay their proportionable parts of all rates of assessments may be admitted wth the housekeepers to give their votes for such election.

15. That yo^r honor^s would be pleased to examine & Know by what Authority Coll *George Mason* & Major *George Brent* went over into *Maryland* & Killed severall of the Indians there w^{ch} wee suppose was the Originall cause of the murthers Comitted in o^r Country.

God save the Kinge.

[signed]

Warwick Cammack

Alex Donyephann

Henry Tandey

Hen: Awley.

Thomas Gouldman.

[From the *Winder* Transcripts, II, 250.]

The Proposals of *Westmoreland* County to the Grand Assembly of *Virginia*.

Propose. 1.

THAT there may bee a day sett a part for thanksgiving for restoring *Virginia* from this late unheard of Rebellion And y^t there may bee an Order to degrade all titles of Honour, that any p^{er}son hath assumed in the time of that Rebellion.

2. That effectuall meanes may be used for the propagation of the Gospell as shall be agreeable to the Word of God; prophaine and scandalous Ministers may bee put by, & that the Keeping of the Sabboath day may bee better look^t into.

3. That such as have bin prophaine scandalous & disaffected and active p^{er}sons (to the present Governm^t.) in all places of Authority and publike trusts may be enquired into, & suffer accordingly to the end that the like rebellion may not (w^{ch} God forbid) bee encouraged.

4. That our Records of the County being embezzled & burned there may be great care taken as soone as may bee for the settling every man in his Just Right & possession of Land & estate.

5. That an Adrefs may be made to his Ma^{ty}. in the behalfe of the Country begging pardon for this late Rebellion & empling the Continuance of his favour towards us as he hath formerly bin pleased to bestow upon us.

6. That for the future the publike place of Judicature & Affembly may bee Ordered to bee in the Most Convenient place of the Midle of the Country

7. That the *Susannah* Charge bee bore in the whole country and That the Councillors Salleryes & Tithables may no more bee allowed & y^t no Councillor sitt in County Courts as Judge.

8. That the Right Hono^{ble} the Govern^r bee moved not to call too frequent Affemblyes.

9. That a peace may bee made wth the Indians to the best & most advantage, the *Doegs* to bee excluded & by the Indians y^e peace is made with brought in, in convenient time.

10. That after peace made with the Indians no p^{erson} directly or indirectly Keepe an Indian to hunt for him or otherwise.

11. That the Countyes may be divided acrofs the neck.

12. That whereas by the Affembly in *June* last it was enacted y^t 1000 men should bee raifed for the Indian warrs out of the respective Countyes in this Country. Each County to pay its souldiers & for their provision: but that Acts of Affembly being made null, by the violence of *Nath: Bacon* Junior. It is desired that an act bee now provided, to enable the respective County's pay their souldiers Leavyed against the Indians & for their Provision &c:

[From the *Winder* Transcripts, II, p. 239 ff.]

To the Right Hono^{ble} the Kings Most Sacred Ma^{ties} Com^{rs} for Enquiring into the grievances & preffures of this his Ma^{ties} Country of *Virginia*.

WHE the inhabitants of *James City* County having to our great Joy recd yo^r Hono^{rs} declaracon of the 6th of *febr* last by which we are informed of his Royall Ma^{ties} princely care of this Collony in redressing our preffures, doe most humbly present these following p^{ar}ticulars, which we humbly conceive to be the great grievances of this Collony, & Causes of these late unhappy rebellion, warrs devastacons & differences amongst us, and we doe appoint Co^{ll} *Robt. Holt*, & M^r *William Sherwood* to p^{re}sent these papers the one part to yo^r hono^{rs} the other to the hono^{ble} Affembly of *Virginia*.

1st. Whereas by the 128th act in the printed booke, the Affembly taking into Consideracon the easiest & most probable way to defray the taxes of this Cuntry, did enact that 2^d p^{er} hhd. should be payable, & imployed for the use of the Cuntry, we humbly pray that an acco^t may be given of the 1^d imposit, and that the 1^d Act of Affembly be consulted, & such Collectors appointed as by that Act is provided,—

2^{dy} Whereas severall considerable fums of money are yearely paid for flort duties & for p^{er}sons imported into this Collony, as appeares by the 132^d Act of Affembly we humbly pray that the same be truly accounted for, & imployed to the use intended by Act of Affembly, (which was never done)—

3^{dy}. We humbly P^{re}sent the former free acceffe of the Indians amongst us by their painting, & disfiguring themselves not to be knowne, to be an agreivance, and desire, that if it shall be thought fitt, that a peace be concluded, wth our neighboring Indians, that then, bounds be sett betweene us & them, and that such Indians as upon any messages, or other emergent occasions, shall come amongst us, may have badges as hath bin formerly provided by the 4th Act of Affembly made in *Septembr* 1663; And for that we have found by wofull experience that diverse covetous p^{er}sons to advance themselves by trade with the Indians; have sold very great quantities of powder, shott, & amunicon to them, when the *English* have wanted it, and foe the Indians have bin therewith bet-

ter

ter p'vided then our selves, *we humbly propose* that a retrain't be put upon such Indian traders, according to an Act of Assembly in Anno 1665.

4^{thly} *We doe humbly Conceive & it is our opinions* that the flow ꝑsecucon of the late Indian troubles, together with the paym^t for 2 yeares together of the tax of 60 lb of tobaccoe ꝑ poll upon every inhabitant of this Collony, hath bin the greate Causes of these rebellious & Civill Comotions in this poore Cuntry; *we doe therefore pray*, that the reasons & causes for the said tax may be enquired into & releife therein provided. for that many of us whose tobaccoe we Comonly Sell at 16^s ꝑ C^t, is by that Act of Assembly rated but at 8^s ꝑ C^t And *we pray* y^t an acco^t may be given of the produce of the 1^d tax;

5^{thly} We p^{re}sent the often meeting of Assemblies, which hath bin a great charge to the Cuntry as a grievance, & humbly desire that for the future, an Assembly may be but once in two yeares, & that then there may be a new ellecon by the freeholders & housekeepers, And that the ꝑceedings in the Com^{tees} of the Assemblies may be accordinge to the Lawes of *England*, And that the Burgeffes charges may be (at least) mittigated;

6^{thly} That for the Safegard of our lives, & p^{re}servation of our Small estates, and destruccon of wolves & other vermin, we may have liberty to Keepe guns & freedom to buy amunicon, and that our armes may be restored w^{ch} have bin taken from us,

7^{thly} We p^{re}sent the great fees taken by Clarks & Sherifes as a greivance, and humbly propose that the same may be regulated for the future, and for that the severall County Courts are answerable for all orphants estates & all ꝑceedings in the County Courts: and that Sheriffes may continue in their office but one yeare, & be appointed as is directed by the 44th printed act,

8^{thly} We humbly p^{re}sent the exempting of severall p^{er}sons from paying taxes, as by the 55th Act is exempted, as a greivance, and humbly pray that none but the honob^{le} Governo^r & his family, together with poore and impotent people may be freed from publicke & County levies.

9^{ly} *Whereas* severall Indian slaves were taken by the charge & expen^{se} of the whole Cuntry, in the late Indian Warrs, but is in the hands of severall private ꝑsons, we humbly pray that they may not be disposed to a private but publicke use & proffitt,

10^{thly}. We humbly propose the raising of our taxes & Cuntry dues, to be by a Land tax, & accordinge to the estate & abillity of the Inhabitants of this Collony,

This is humbly p^{re}sented by his Ma^{ties} loyall & most obedient subjects

[Signed]

<i>Tho Tilesh</i> [?]	<i>Will Browne</i>	<i>Richard Bardell</i>
<i>George Woodward</i>	<i>Matthew Collins</i>	<i>John Deane</i>
<i>Alexander Walker.</i>	<i>Nic. Bush</i>	<i>Will: Walker</i>
<i>Jn^o Payne</i>	<i>*Lazarus Thomas</i>	<i>Scarborough Minton</i>
<i>John Kent</i>	<i>*Jn^o. Thomeson</i>	<i>Will: Ecoms.</i>
<i>John Otey</i>	<i>*Rob^t. Partin</i>	<i>*David Davies.</i>
<i>Phill Charles</i>	<i>*Rich^d New</i>	<i>Rob^t Colby</i>
<i>George Saunders</i>	<i>*Henry ffisher</i>	<i>*Wm. Winson</i>
<i>Lawrence Ash</i>	<i>*Alex: Shepard</i>	<i>*John Jerfy</i>
<i>*Richard Pierce</i>	<i>*Jno ffish</i>	<i>*Phill Charles sen.</i>
<i>*John Thaxton</i>	<i>*Rob^t Thomas</i>	<i>Edmund Cowles.</i>
<i>*Rich^d Parker</i>	<i>*Math: Williams</i>	<i>Thomas Hanes</i>
<i>*John Meriman</i>	<i>*Tho: Twine</i>	

* The names which are starred were signed by means of marks.

[From the Public Record Office, London, Colonial Office, Clafs 1, Vol. 39.]

To Y^e Right Honrab S^r W^m Berkeley Kn^t Gour and Cap^t Gen^l of Virg^a together wth
Y^e Honrab house of Burgefles and Y^e Honrab his Maj^{ties} Comiff^{rs}

The Remonftrance and petition of vs the fubjects being all Inhabitants of the
County of *lower Norfolk*

Moſt humbly ſheweth

THAT your poore pett^{rs} are greatly Griued and much Injured in thefe feuerall
Caſes following & humbly Deſire Redreſſe therein

fiſt That your pett^{rs} his Maj^{ties} Loyall ſubjects haue been taxed great
Somes of tob. towards the Erecting of forts. yett neuer the leſſe wee are
Left to the Mercy of all Enemies bouth by ſea & Land and therefore humbly deſire
that a fort may be Erected at *point Cumfort* as being the moſt Conuenient place (as
wee humbly Conceauē) and that the Charge thereof If poſſible may bee defrayed by
thoſe that haue formerly Reçd our tōb for that purpoſe.

2^{dy} That your pett^{rs} haue p^d tobaccoe towards the Rayſing magazins, beſides all
other fort duties w^{ch} was pretended was taken for that uſe, yett wee haue noe Effectuall
prouiſion made, ſoe that when any foreigne or domeſtick Inuaſion is perpetrated wee
his Maj^{ties} Loyall ſubjects are Expoſed to many dangers for want thereof, wee therefore
humbly deſire that thoſe P^{er}ſons, that haue beene Intruſted by the Country for to Collect
the Same, doe giue a true & juſt accompt of what tobaccoe or money they haue Reçd
vpon that accompt, & that for the future ſome Effectuall Courſe may be taken that
armvⁿition may nott bee wanting.

3^{dy} That *whereas* your pett^{rs} haue beene taxed & forced to pay 60^{lb} of tob P^{er} poll
in the yeare 1674 and as much the yeare following w^{ch} tob hath been giuen to M^r
Secritary *Ludwell* & Coll. *parkes* beſides 30 & 50^{ls} of tob for amercem^{ts} butt for what
purpoſe wee know nott, more then a Report that ſome gen^lmen In *England* haue procured
a pattent from his maj^{ty} for the quitt Rent of our lands the truth whereof wee yett
know nott, *wee humbly deſire* to know what is done wth our money

4th It is the Requeſt of your humble pett^{rs} that ſince wee of this County haue beene
much Injured and damnified by the Late Rebellion (ag^t w^{ch} wee haue wth hazard of
our Liues and fortunes according to our allegiance and bounden Duty wthſtood to the
vtmoſt of our powers) of w^{ch} wee were noe ways the Cauſe, wee humbly pray that wee
may bee Exempt from all publique Charge that hath or may ariſe thereby.

5^{dy} *Whereas* his Maj^{ty} hath beene pleaſed by an act of parlam^t to Lay ſuch a Cuſtome
vpon tobaccoe ſhiped and Loaden on bord any ſhip or veſſell bound to any of his Maj^{ties}
plantations in America. that all M^rchants or Adventurers muſt pay the one halfe of
their tobaccoe for the Impoſt of the other halfe, w^{ch} ſoe much diſcourageth all adventurers,
that your pett^{rs} is Likely to be fruſtrated of all trade to, or wth his maj^{ties} plantations
aforeſd.

Your pett^r therefore humbly ſubmitting to his maj^{ties} Laws doe humbly pray that ſome
Lawfull Courſe be taken to ſuplicate his Majeſties gracious grant, that the poore Inhabi-
tants of this County (who are Butt ſmall Adventurers, and by this meanes almoſt
Ruinated may haue Liberty to Export their tobaccoe to any of her maj^{ties} plantations
wthout paying that Impoſt, w^{ch} grant will be the greateſt Encouragm^t Imaginable from
a gracious king to his people;

6^{dy} *Whereas* It hath beene a too frequent pra^{cti}ſe in this Country to Receaue into
faour many P^{er}ſons nearely Strangers in the Country and them to dignifie wth places
of great hon^r proſitt and truſt, and they nott taking Care to officiate Lawfully in their
places doe many times for the Loue of gayne to Raiſe themſelves Eſtate Extort vnlaw-
fully Tobaccoe from the people wherevpon doeth ariſe great diſcords amongſt the people,
as hath beene manifelt in thoſe two grand Rebels *Nathaniell bacon* Ju^r & *John bland*,
by w^{ch} meanes noe place of truſt or authority wthin this Collony butt is many times
abuſed to the vttermoſt Ruine of many of his maj^{ties} good ſubjects as woefull Experience
hath

hath Lately made manifest, your pett^r therefore humbly prays that for Redresse herein, that noe Person bee admitted into any office or place of trust whatsoever, that Is nott an antient Inhabitant or natiue of this Collony, and of good and honest Repute, neyther to have two places of authority or offices of trust or profitt (or such as shall be presented by the generality of votes wthin the feuerall Countyes of *Virg^a* to the Right Honrab the gou^r in all succeeding times) vnless the Persons whome his hon^r shall p^rferr bee well knowne to him and well acquainted wth their quallities & Conditions

7th That some strict Course bee taken that noe Person wthin this gouernm^t doe sell any amvnition for war to the Comon heathen the Indians Thus out of the deepe sence of the Late Sad and Lamentable destructions diuisions & wofull desolations proceeding of the Law, w^{ch} hath hapened in this poore Land, as also of his Most sacred Maj^{ties} Clemency Care Indulgency & bounty, for the due and speedy settlem^t of the Same, the w^{ch} doeth the more Indeare our harts draw & Inflame our affections, and Euer pray to the god of heauen to Multiply vpon him the Choifest of his Blessings & hereafter Crowne him wth Eternall glory soe pray his poore subjects of *Lower Norfolk In Virg^a*

[From the Public Record Office, *London*, Colonial Office, Class 1, Vol. 39.]

Com^{as} Lancastr^{as}

Vltimo Die January A^o 1676 At the Courthouse there. Instruc^{cons} for our Burgeesses Co^{ll} *William Ball* and Major *Edward Dale* to bee by them p^rsented to the Assembly for redresse.

1. **T**HAT the Warr against the Indians bee more speedily and effectually p^rsecuted then hitherto it hath beene.

2. That such course may bee taken with the Indians of *Wiccocomicoe* in the County of *Northumberland* that all people may bee secured from all future feare and Damadges It being notoriously knowne that some of them did comitt the murder on the head of *Moratticoe* in the County of *Rappahanock*.

3. That for the future all trade with the Indians bee totally p^rhibited upon paine of Death and confiscacon of estate reall and p^rsonall

4 That if upon due consideracon the Assembly shall finde it iust and reasonable to continue any Indians in this Governem^t they may bee p^rhibited the use of all Armes whatsoever (bowes & Arrowes excepted) and to entertayne any Stranger Indian whatsoever upon paine of Death and utter extirpacon of that nacon in either case

5 That for such Persons as have suffered any Damadge in their Estates by the Calamities of the tymes Wee Desire it may bee lookt upon as the Chance of Warr and to sett downe with their Losse. It being impossible for the poverty of this Country to releue them

6. That the Estates of Delinquents may be converted to the Comfort and releife of the poorest sorte of people who have suffered by the Calamities of these unhappy tymes.

7 That the County of *Rappahanock* being of a very greate Extent may bee Divided into two, or at leaste this County and the County of *Middx* bee enlarged out of that, these two Counties being of a very small extent

8. That the 2^d p^rson bee employed to the uses & intente it was first rayfed, the Governo^r being first paide his Dues settled upon hym by his Ma^{ties}

9 That for the case of the Inhabitants of this Countrey in geñall, the Geñall Courts for the future bee kept in some pte of *Yorke River*, it being the Center of the Countrey, the benefitt p^rtended or intended by building at *James towne* heretofore being never in any likelyhood equall or answerable to the greate chardge there expended long before the late unhappy firing thereof

10 That the Acte against hogstealeing bee revived and the penalty thereupon due bee Converted to some other use then to the masters, or that hogstealeing may bee adjudged felony as it is by the Lawes of *England*.

11. That for the encouradgem^t of serv^{ts} Wherein, the wealth of this Countrey doth confist they may bee allowed Meate three dayes in the Weeke (*viz^t*) betweene *September & March*, The Iflanders buying greate quantities of ffish and meate for their Slaves.

12 That noe p^rson whatsoever do p^rsume to sell his Serv^t his tyme when neere expired for his Corne and Clothes upon penalty of Loofeing his Serv^t tyme and payeing hym Corne & Clothes unlesse fuch Serv^t have an estate of his owne, in his hande whereby to doe it or some relaçons which fhall doe it for hym

13 That the too frequent calling of Affemblies and the long continuance thereof when called bee p^rvented and that the A^cte which inableth the Governo^r and Councill to lay a Levye not exceeding 20^{ls} p^r pol bee reinforced, and if Occasion require a Select Comⁱttee of the p^rceeding Affembly bee Added to them the examinaçon and allowance of whose A^cte to be referred to the fucceeding Affembly for Confirmaçon.

That the Affembly fhould take into their ferious Confideraçon the incapacity of our fforts now in *Virg^a* for Offence & Defence, and the money now in Banck, or which fhall hereafter become due by the fforte duties bee employed for the benefitt of the refpective [Aff]ociaçons by the purchafeing of Armes and the building of Magazines for the fecurity of the people, there being noe publique places of fecurity, or to retreatate to, in the whole Countrey, as Wee have founde by fad experience in thefe late unhappy troubles.

William Ball Jun^r

Thomas Marfhall

Daniel Harrifon

David ffox

Joseph Ball

Nicholas George

Thomas Martyn

Richard fflint

Stephen Chilton

Thomas Carter

Robert Pritchard p^r figne

Andrew Herbert

Stephen Tomlyn

George Neale

Rowland Rowley

Thomas Barker

John Mullis

Anthony Sands p^r figne

W^m Merriman p^r figne

W^m Laxe p^r figne

Richard Merriman p^r figne

Thomas Chatwyn p^r figne

Charles Merriman p^r figne

Jn^o Dering p^r figne

W^m Parker p^r figne

Abraham Bufh p^r figne

Jn^o Wells p^r figne

Jn^o Sharpe p^r figne

George Maples p^r figne

Nathaniel Browne p^r figne

[From the Public Record Office, *London*, Colonial Office, Clafs 1, Vol. 39.]

[Petition from *Surry* County, as fhown by the endorfement.]

Imprimis

WHEREAS his moft Gracious Ma^{ty} hath beene moft mercifully pleafed by his Royall proclamation [upon our Submiffion] to pardon our late Difloyalty and Rebellion

Wee Earneftly defire this p^rfent Affembly to draw up (In the behalfe of the whole Countrey) a moft humble Submiffion to his Moft Gracious Ma^{ty} wth an humble letter of Requeft to his Royall Highnefs the Duke of *Yorke* to Interceed Soe farr (In the Countreys behalfe) to his Royall Brother our moft Gracious and Mercifull King that wee may be In his Ma^{ties} Good Grace and favour againe as formerly and wee doe farther defire that this Affembly would make An A^ct of oblivion that no perfon for the future may be abufed by Injurious and provoking names:

(2) *Whereas* The Laft Affembly Continued many years together from whome we fownd noe Redrefs they being apt to Confirm theire former opinions

Wee moft humbly pray y^e for the future wee may have a free Ele^ction Every Affembly

(3) *Whereas* the aforef^d Affembly by theire too frequent meeting (being once Every yeare hath been fownd to be a Continuall Charge and burthen to the poore Inhabitants of this Colloney

Wee moft humbly pray y^e for y^e future y^e Affembly may not be Called above once In two yeares at moft unles upon Extraordinary occation.

(4) *Whereas* y^e burgesſies of the aforeſ^d Affembly had 150^{ls} of tob^{co} ꝑ Day for Each member w^{ch} the Affembly uſually Continuing 3 or 4 weeks did ariſe to great Sums of tob^{co} to the great burthen and griefe of us his Ma^{ties} poore Subjects

Wee moſt humbly pray that for the future the burgesſies Sallary may be moderated

(5) *Whereas* the aforſ^d Affembly did uſually give to Severall Gentlemen (for what Service we know not) very great Sums of tob^{co} w^{ch} together wth y^e publique neceſſary Charge did Raiſe the Leavy to a great and Exceſſive heith

Wee Conſidering Such liberality to be uncharitableneſs to our Selves w^{ch} by its greatneſs grows oppreſſive, doe moſt humbly pray y^t for y^e future the Affembly will be more Sparing In their Gifts.

(6) *Whereas* publique undertakings (whether buildings or fortifications) although Exceſſive Chargeable, Either through the Inability or negligence of the undertakers have been (after the tob^{co} paide) Either left unfinished or moſt Inſufficiently donne as to their deſigned uſe to the great and Irreparable damage, loſs, and Griefe of his Ma^{ties} Subjects.

Wee moſt humbly pray y^t for the future y^e Affembly will appoint able, Carefull and honeſt perſons for y^e due performance of w^t they Shall Injoyne

(7) *Whereas* y^e aforeſ^d Affembly did Leavy 60^l of tob^{co} ꝑ poll for two yeares together (we being not ſenſible of any advantage to the Country by it) did Soe heithen y^e Leavy y^t poore people did Sinke under their burthens not being able to pay their great taxes & utterly diſpairing of any Release from their grievous burthens and taxes for y^e future have been a long time much diſconted and Grieved: but being Informed by y^e Hon^{ble} Coll fra: Morryſon Eſq^r one of his Ma^{ties} Hon^{ble} Comiſſioners for Grievances y^t his Moſt Gracious Ma^{ty} hath been Gratiouſly pleaſed to Returne us our money again^e by the Hon^{ble} M^r Secretary *ludwell*. our Grieved and oppreſſd harts are Exceedingly Rejoyced and Inlivened & we yeald his Moſt Gracious Ma^{ty} all poſſible humble and harty thanks for his moſt Royall bounty and Compaſſion moſt humbly praying y^t y^e S^d M^r Secretary may give a Juſt Acc^t (of w^t money is due to the Country In his hands) to the Affembly who are deſired to diſpoſe of it Soe y^t y^e people may be Eaſed and y^e Country benefited.

(8) *Whereas* there yearly Came a great publique leavy from *James Citty* wee never knew for what to the great Griefe and diſſatisfaction of y^e poore upon whoſe Shoulders y^e leavy Cheifly lay

Wee moſt humbly pray that for y^e future y^e Collectors of y^e Leavy (who Inſtead of Satisfaction were wont to give Churliſh Answers) may be obliged to give An Account In writing what y^e leavy is for to any y^t Shall deſire it

(9) *Whereas* 40^{ls} or 50^{ls} of tob^{co} ꝑ poll was formerly Accounted a great Leavy, when there were fewer tythables In y^e Country; our taxes for theſe many yeares have been Soe Exceſſive high (Sometimes Exceeding 200^{ls} of tob^{co} ꝑ poll, and the Country noe wayes viſibly advantaged) that Severall ꝑſons not being able to pay their great taxes have deſerted his Ma^{ties} Collony by Removeing Into the Southard and Elſewhere.

Wee moſt humbly pray that y^e Affembly and our County Court would take all poſſible Care for y^e future to Eaſe us his M^{ties} poore Subjects of our great burthens and taxes.

(10) *Whereas* y^e 2^d ꝑ hh Impoſed ꝑ y^e 128th Act of Affembly, for y^e payment of his Ma^{ties} officers, and y^e Eaſement of his Ma^{ties} poore Subjects from their burthenſum and unequall taxes by y^e poll; hath not hitherto produced its moſt wiſhed effects, our leavys being very farr greater Since than before y^e S^d Impoſition

Wee moſt humbly pray that y^e Collectors of y^e S^d Impoſition may be obliged to give a Juſt Account thereof to y^e Affembly, who are moſt Earneſtly deſired to diſpoſe of y^e Same for y^e Countrys beſt advantage

(11) That notwithstanding y^e great quantities of Amunition p^d for Caſtle dueties ꝑ Ships; for y^e maintenance of a publique Magazin; yett upon aney apprehenſions of danger (Either by forraine or our barbarous Enymies) the Country hath been found Soe diſtute

diffitude of Amunition, that it hath been Incapable of any good defence, to y^e greate amazement, terror, and diftraction of y^e Inhabitants

Wee most humbly pray y^t y^e Collectors of y^e S^d duties may give a Just Account of them to this p^rsent Affembly, who wee desire to take great Care for the futur that there be (upon all occations and at all times) A Sufficient Magazin of Amunition for the defence of his Ma^{ties} Collony.

(12) *Whereas* wee have been Ready upon all occations to Serve his Ma^{ty} In the defence of his Ma^{ties} Collony upon our owne Expençe without pay

Wee most humbly pray that our Commanders, (who are farr better able to Serve wthout pay) may not be p^d by us (as formerly) who were In the Same Service wth them.

(13) *Whereas* Amerciaments upon Actions of Deb^t hath been found very grievous and burthenfom poore debt^{rs} not being able to hinder their too Rigrinous Creditors from takeing the benifitt of the law.

Wee most humbly pray y^t for the future y^e S^d Amerciaments may be taken off.

(14) *Whereas* by y^e Rigrinous proceedings of Some Rigid and Spitefull Credit^r debt of 200^l of tob^{co} hath beene Raifed to a weighty ht, to y^e greate oppreffion of y^e poore debtor but y^e gaine of Clerks and Sheriffs

Wee most humbly pray y^t y^e Courts may take Cogniscance of noe debt under 450 of tob^{co} but y^t a Justice of y^e peace may be Impowerd to decide any Controverfy of y^t vallew.

(15) *Whereas* y^e ordinary Keepers Exceffive Rates for drinke hath been fownd by too sad Experience to have much Impoverifhed y^e Inhabitants of this Collony

Wee desire y^t their Rates may be moderated and their numerous quantity Suppreft.

(16) *Whereas* Contrary to y^e laws of *England* and this Countrey Severall p^rsons^l have Exercifed the office of high Sheriff 2 yeares (and under Sherriffs have Continued 3 or 4 yeares) together, and after they have beene out a yeare or two have again obtained y^e place of high Sheriff

Wee most humbly pray y^t for y^e future noe p^rson Continue Sheriff above one yeare, and y^t y^e Justices may Exercife y^e office of high Sheriff Successively as they hould their places In Commiffion.

(17) *Whereas* y^e Affembly hath afcertained but Some fees and left y^e Rest to y^e breaft of y^e County Courts, by w^{ch} meanes Sheriffs and Clerks doe often take an advantage to Exact upon Ignorant p^rsons; pretending that y^e Court hath formerly allowed it

Wee most humbly pray y^t for y^e future all Sheriffs and Clerks fees may be afcertained and a greate penalty be laide upon Such as Shall Exact [more]

(18) *Whereas* it hath been y^e Custome of our Clerks (by forcing their Service to Exact 3 p^r Cent for Inventoring dead mens Eftates, w^{ch} together wth their other (oppreffive) fees, doe Carry away Soe great a part of y^e Eftate y^t there oftimes Remaines not Enough to pay other Just debts

Wee most humbly pray y^t for y^e future we may not be oblided to make use of their dear-bought Service.

(19) *Whereas* it hath been y^e Customary use of y^e S^d Clerks to take quarter Court fees for an Action of debt being or Exceeding 600^l of tob^{co} Alledging that they have a Commiffion from y^e Hon^{ble} M^r Secretary Soe to doe

Wee most humbly pray that for the future Any Clerke Exacting as afor^d upon aney Such pretended Comiffion may be Severly fined.

(20) *Whereas* by vertue of y^e Right Hon^{ble} Governours Warrent our tob^{co} (although formerly) due hath been Seazed for traiding and Recieveing, Contrary to his Hon^{rs} proclamations prohibiting the Same, w^{ch} proclamations not being ever published or Seene by us

Wee In all Humility defir y^t all tob^{co} Seazeded as afor^d may be Released

(21) *Whereas* In Obedience to Laft June Affembly wee did Supply the late Rebell *Nat: Bacon* Junior with men, Armes, Amunition, and provifions towards the profecution of y^e Indian warr (which wee were oblided to doe upon a very great penalty) the hon^{ble} Governor not Contradicting it) to our very great Lofs and dammage.

Wee humbly pray that as wee expect noe Redrefs for our damages already Rec^d for our obedience to y^e S^d Affembly Soe that Affembly may not Increase our Suffering by being further Chargeable to us.

ORDERS OF A GRAND ASSEMBLIE

Begunne at the *Middleplantation* at the house of Cap^t *Otho Thorpe* the tenth day of *October: Anno 1677:*

WHEREAS Severall persons concerned in the late horrid Rebellion doe for feare of due punishment abide and lye out in the woods on the Southside of *James River* and Coll^o *Joseph Bridger* propofeing that it was convenient, That some Courfe be taken for the bringing of them in, *It is therefore hereby Ordered* that all fuch persons as lye out as aforefd that will come in to fome of his Ma^{ties} Juftices of the peace and take the oath of Obedience, and giue securitie for their well abearing within twenty dayes after the publication hereof, fhall haue the full benefit of the Kings Ma^{ties} gracious Proclamacon of pardon, and the act of indemnitie and free pardon made the laft Affembly but in cafe thofe outlyers or any of them fhall refufe, and not come in within the time aboue mentioned y^t then all and every his Ma^{ties} good Subjects and Leige people, are hereby required and it fhall be lawfull for any perfon, or persons to feize and apprehend, or in cafe of refiftance to kill any of the fd Outlayers and them or any of them to bring in dead or alive, and for his or their encouragement who fhall foe apprehend and bring in dead or alive any of the fd outlyers, fhall receive and be paid by the publique for every perfon foe brought in five thoufand pounds of Tobacco.

A Petition being prefented to this Affembly intituled the Grievances of *Surry County*, in behalfe of themfelves and divers others, and fubfcribed by feveral persons fome of the cheife of them appeareing perfonally, and the matter at large enquired into, the paper or peticon is adjudged to be highly Scandalous and notoriously injurious to the Juftices of *Surry County* and to the Jurie therein meant, *It is therefore Ordered*, That each Subscriber thereof viz^t *Richard Atkins, Robert Burges, Richard Browne, John Arnemonger, John Rogers, William Symmons, Addam Heath, Edward Green, John Clemons & John Immers* be fined four hundred pounds of Tobacco and Caske to the ufe of the Countie, and acknowledge their fault two feveral Courts holden for *Surry County*, and giue securitie for their future good behaviour and whensoever the writer of the fd paper fhall be difcovered and made knowne he fhall be fined four hundred pounds of tobacco and Cafque to the ufe of the Countie aforefd, and make fuch acknowledgment, and give fuch securitie as is enjoyned the Signers thereof, All which fd fines in Tobacco is Sufpended from being levied untill the next yeare.

Vpon the propofall of M^r Secretary *Ludwell* Shewing his willingnefs to accept of money for his Tobac^o due in the publique after the rate of eight Shillings 7^p Cent. *It is Ordered* That he be allowed money at the fd rate for thirty thoufand eight hundred pounds of tobacco due to him from the Country.

Ordered That one hundred pounds *Sterling* out of the monies due to the Country from M^{rs} *Eliz: Diggs* this present yeare be paid by M^r Auditor when received to the hono^{ble} S^r *Henry Chickley Kn^t* as a present from this houle, which they humbly Pray he will pleafe to accept:

Whereas a writing confifting of three Sheetes of paper intituled the humble Remon-
france and addrefs of the inhabitants of *Charles Citty County* was read in the houle and the fame being adjudged to be highly Scandalous and injurious, not onely to the late hono^{ble} Govern^r S^r *William Berkley Kn^t* but to y^e hono^{ble} Councill of State, to the whole houle of Burgefles, and to the whole Government and Majeftacie of this Colony, and confequently extreame abufive to his Ma^{ties} hono^{ble} Commiſioners to whom they
were

were delivered to present to his Sacred Ma^{ty} *It is therefore Ordered* That the Assembly doe purge themselves by putting forth Some Instrument of Justification, and that whensoever the author or wrighter of the sd Scandalous paper shall be found and made knowne, That he or they be punished for the same according to his or their demeritts, which sd Remonfrance was brought into the house by Coll *Edward Hill*.

The Queen of *Pomunkie* by her petition desiring that shee might confirme some Lands by her sold to severall of the *english*, for which shee alleadged to have received certaine payments in part thereof, *It is Ordered* that because it is not consistant with the Lawes of this Country nor with the publique good and Safety of this his Ma^{ty} Collony and the inhabitants therein to permitt such graunts, that therefore all persons whatsoever that have bought any Land of the Queen of *Pomunkie* contrary to Lawe or that doe pretend a Right to any Land appertaineing to the sd Queen be and is hereby required to appeare the next Assembly to make good their Claimes, and whomsoever shall not then appeare to make out y^r claimes as aforesd, shall wholly loose the benefitt of any such Claime title or interest, or of any payments made in consideration of any such Lands as aforesd, and these matters be referred untill the next Assembly untill when noe person shall molest or have any proceedings against the Queen.

It is Ordered That the R^t Honourable the Govern^r be presented with two hundred pounds *Sterling*, as a toaken of thankfullness to his hon^r from this house.

Ordered That Coppies of his Majesties most gracious letter of pardon be drawne out and sent to every County of *Virginia* there to be published, And that M^r *Secretary* be desired to attest the f^d Coppies

His Majestie and the Lords of his Honnourable Councill their order bearing date at the Court at *Whitehall* the thirteenth of *July* 1677. being read, most seriously weighed, considered and debated *It is Ordered* by this present Grand Assembly, and the authoritie thereof, That the Assembly begunne at *Green Spring* the 20th of *February* 1676 / 7 be declared to be and was legally called and freely elected, And that the Countries mony in *England* then Ordered to be paid away was for the great ease and peculiar benefitt of the Country: *And it is further Ordered* that a perticular acco^t for what the moneys was raised, bee fairly drawne out of the Assemblies bookes, and delivered to M^r *Secretary Ludwell* to be transmitted to the R^t hon^{ble} M^r *Secretary Coventry* one of his Majesties principall Secretaries of State. And that his hon^r be humbly desired to Communicate the same to the R^t honourable the Lords of the Committee of trade, and that an humble address be made to his Majestie for the Revoaking the sd Order

And it is further hereby Ordered, That *Robert Beverley* Clerke of the Assembly doe drawe bills of exchange first to pay the monies ordered and drawne the last Assembly upon produceing the former bills, yett unsent away, which were drawne and delivered by Order of the last Assembly or upon produceing and delivering up the protests of such as have bin sent and then the monies ordered to be paid this Assembly, soe far as there is any of the Countries money in the hands of M^r *Secretary Ludwell* or Coll^o *Daniell Parke* Treasurers for *Virginia*, or in the hands of M^r *Gaiwen Corbin* or such other person or persons in whose hands the same is deposited; which bills shall be drawne with condition that the Order of the King in Councill be revoaked

The accounts and negotiacons of M^r *Secretary Ludwell* as treasurer and Agent for *Virginia* haueing bin duely and thorowly weighed considered and debated and found to be legall, just faithfull & greatly serviceable to this his Majesties Countrey; And it being taken notice off that some ill disposed persons haue endeavoured to asperse his hon^r in the said trust and negotiation, *It is therefore Ordered* That M^r *Secretary Ludwell* be publicquely Justified as haueing well performed and duly rendred account of his sd Trust and negotiation, and that he haue all due Redrefs against those p^{ersons} soe aspersing and villifying of him:

Vpon the Claime made by the Lady *frances Berkeley* Widdow and Relict of the R^t hon^{ble} S^r *William Berkeley* Kn^t late Govern^r &c: of this his Ma^{ty} Collony for the Remaineing Sallaries due and yett unpaid to her sd husband. *It is Ordered* that shee be paid

paid forthwith by M^r Auditor from the arrivall of S^r William Berkeley in Novemb^r untill the tenth day of February at which time the present Govern^r arived And for the Remainder of her Ladyships Claime, it is referred to his Majesties order and decission. And Such moneyes as shall foe be ordered by his Ma^{ty} to be paid unto her Ladyshipp that the same be paid by M^r Auditor:

Ordered That such bills of exchange as shall by order of this Assembly be drawne by Robert Beverley Clerke of the Assembly for Satisfaction and payment of the Countries debts according to the severall Orders of the last and this present Assembly be punctually accepted and paid according to the Tenour thereof, And in case they shall be returned protested for non acceptance and non payment, that fifteen p Cent dammages be paid thereon according to the Lawes of this Country with costs of Suite and costs of the protest.

Ordered, That Coll^o Nathaniell Bacon Auditor Generall, or such sufficient Deputy as he shall appoint be and is hereby impowered to demand sue for, recover, and receive and upon receipt to acquitt, and discharge in the name of the Grand Assembly all such monies as is due from any person or persons whatsoever to the publique upon protested bills of exchange passed and given for and in consideration of the fifty p pole Anno 1674. & 1675. together with all costs and dammages thereon due according to Lawe as in Case of protests, and to be answerable for the first principall Summes thereof to the Grand Assembly, and pay the same as is already ordered, or shall at any time hereafter be Ordered by the Grand Assembly And for his paines trouble and care therein to take to himselfe or f^d Deputy all dammages thereon accruing according to Lawe.

And it is hereby further Ordered That the f^d Nathaniell Bacone Auditor or his appointed Deputy be and is hereby impowered to call to account all such undertakers and others who received and disposed the afforesd tobaccos and haue not yet remitted the whole Summe or Summes of money due thereon, or for the same, and what shall appeare unpaid for into the hands of Thomas Ludwell Esq^r or Coll^o Daniell Parke Treasurers, or their or either of their orders that hee the f^d Nathaniell Bacon Auditor or his f^d Deputy doe demand sue for recover and receive the same in the name and to the use of the Grand Assembly, & upon receipt to acquit and discharge the same for which he is alsoe to be accountable to the Grand Assembly and to pay the same according as they already haue ordered or hereafter shall order for which he shall be paid and allowed upon perfecting accounts thereof the usuall Sallary paid and given in such cases.

Ordered That Maj^r John Page and Cap^t Otho Thorpe be impowered and appointed, and they are hereby impowered and appointed to receive from the R^t hon^{ble} the Govern^r such armes and ammunition as hath been sent into this Country by his Ma^{ty} for the Countries use, and to giue receipt for such as his hon^r shall please to deliver to them, upon which receipt M^r Auditor is hereby impowered and ordered to remitt foe much money to the Lord Treasurer of England as the price of such armes and ammunition shall amount to which his hon^r shall please to make delivery: All which armes and ammunition the f^d Maj^r John Page and Cap^t Otho Thorpe are hereby Ordered Safely to secure untill they shall Receive further order and Comānds about the same, *And M^r Auditor is hereby further Ordered* to remitt monies to the Lord Treasurer for payment of the twelve thousand pounds of Leaden Shott received by the Countrey, out of his Ma^{ties} Ketch Depthford the last Assembly, which f^d moneyes is to be remitted by M^r Auditor foe soone as he shall haue foe much in banck.

Ordered That the Charge of makeing a Sufficient Ditch about the Magazeen, and alsoe of transporting provisions to the head of James River to his Majesties Soldiers be borne by the publique, & alsoe what other necessary Charges shall accrue thereon

Ordered, That one hundred and tenn pounds of Tobacco p pole be levied this yeare upon the people for the defraying the Publique Charge.

ATT A GRAND ASSEMBLY

Beginning at *James Citty* the 25th *Aprill*, Anno Dni 1679,
Annoq. R. Rs. Car. Scdi XXXI.

WHEREAS diverse complaints have been made to the grand assembly of many greate and greivous exorbitant fees exacted and taken by severall clerks of county courts to the oppreßion and wrong of his majesties leige people of this colony, and this assembly haveing taken it into their serious consideration how the same may the best be prevented for the tyme to come. *It is hereby ordered* that the consideration and redresse of the said complaints stand referred to the next assembly, and to the end that all fees to be demanded or taken by any clerke for the tyme to come, may be ascertained by law and knowne to all people residing in this colony, that the severall clerks of county courts or some certaine number of them more or lesse doe prepare and fitt a certaine lyst or schedule of fees not yet already ascertained by law, and present the same to the honourable Secretary for his allowance and approbation, and the same soe ascertained by Mr. *Secretary*, to be presented to the grand assembly in the begining of the next assembly to the end they may be considered of, and as approved of ascertained by law to be demanded and taken as just fees, which will prevent all such complaints and greivances for the tyme to come.

There being a proposition brought to this grand assembly about clearing the rivers neare the heads thereof from loggs and trees for the better and more securing the passing of sloopes and boates loaden with merchants goods or tobaccoes, that this declaratory order be made thereon; *And it is hereby ordered and declared by this present grand assembly* that whatsoever county finds it needfull within the bounds and precincts of their respective counties to cleare the rivers from loggs and trees, which may annoy and endanger boates, and sloopes, such counties by vertue of a by law to be made by themselves may appoint and command the same to be done in such manner, and by such wayes as they shall judge most fitt.

Ordered that all claims from the publike made this present grand assembly stand referred to the next assembly, and what proceedings have beene made this present assembly in the comittee of claimes be null and voyd, and that all petitions and claimes presented to this assembly be returned to the burgeses and parties to whome they belong if they make demand of the same.

Robert Liny haveing complained to this grand assembly, that whereas he had cleared a fishing place in the river against his owne land to his greate cost and charge supporting the right thereof in himselfe by vertue of his pattents, yett neverthelesse severall persons have frequently obstructed him in his just privilege of fishing there, and in despight of him came upon his land and hale their sceanes on shore to his great prejudice, aladging that the water was the kings majesties, and not by him granted away in any pattent, and therefore equally free to all his majesties subjects to fish in and hale their sceanes on shore, and praying for releife therein by a declaratory order of this grand assembly; *it is ordered and declared by this grand assembly* that every mans right by vertue of his pattent extends into the rivers or creekes soe farre as low water marke, and it is a priviledge granted to him in and by his pattent, and that therefore noe person ought to come and fish there above low water marke or hale their sceanes on shoare (without leave first obtained) under the hazard of committing a trespasse, for which he is sueable by law.

Forasmuch as Henry Randolph, late clerk of the assembly was by an act of the grand assembly made at *James Citty* the 23d day of *March*, 1662, appointed and made sole notary

tary publique for this colony, in which office and trust he continued untill the yeare 1678, when he dyed, and forasmuch as *Thomas Ludwell*, Esq. succeeded the said place and office, who is also dead, and there being at present none other person appointed and impowered to execute the said office, and *Robert Beverley* clarke of the assembly haveing beene offered to this grand assembly and adjudged a fitt person for the said trust, place and office; *It is therefore ordered* that the said *Robert Beverley*, clerke of the assembly be appointed, sworne and fully authorized and impowred and is hereby authorized and impowred to use, exercise and performe the office and place of sole notary publique, for and of this his majesties colony of *Virginia*. *And it is further ordered* that for the ease and convenience of the inhabitants of this colony in generall, and all other trading hither, he be inabled and impowred, and he is hereby fully enabled and impowred to depute certaine discreet and sufficient persons throughout this colony to officiate as deputy or deputyes under him, and as such to use and exercise said office and place of notary publique, for which places and within such lymitts and precincts as he the said *Robert Beverley* appoint, to whose protestations, attestations and other instruments of publications as alsoe of those persons by him deputed and sworne as afore said at home and abroad, wee desire all credence may be given.

[From the *Virginia Magazine of History and Biography*, XIV, 359.]

May it Please your most exc't Ma'ty.

THE late intestine divisions of this your Majesties Colony of *Virginia* together with the charge of tedious warr with the Indians who dayly make incursions, and sometimes murders upon us, have reduced us to a poore and distressed estate, and enforced us to interrupt your Majesties more Weighty affaires with this our humble Supplication in behalfe of your Ma'ties Soldiers and ourselves, the first of which we have out of the Small Remnants of our Stock furnisht with what necessary for a twelve moneth past, and as in duty bound shall continue our care towards them till yo'r Maj'tie shall be pleased to Commiserate both our Conditions, and in regard of the great losses we have of late sustained we hope your Royall goodness will pardon our Requests for Remission of all arreares of quitrents due to your Sacred Majesty; and for supply of the excessive charge we must necessarily undergoe in defence of our Frontieres, that for such time as yo'r Royall wisdom shall allowe, the same be to that use appropriated.

That yo'r Ma'ty may be protected by the King of Kings from all temporall and Spirituall enemyes and Reigne long in peace and prosperity, are the incessant prayers of,

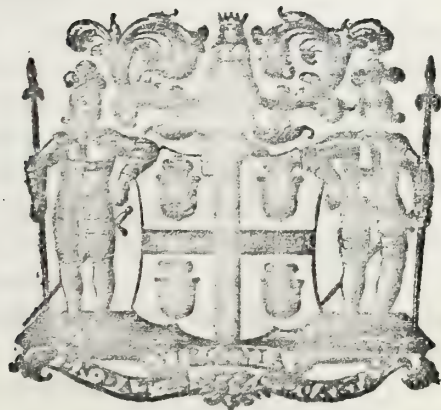
Your Ma'ties Most humble and most

obedient Subjects & Serv'ts.

Virgin'a the 17th May, 1679.

JOURNAL
OF THE
HOUSE OF BURGESSSES
ATT A
GEN^{RL} ASSEMBLY

Begunne at *James Citty* at the house of Mrs. *Susanne*
ffisher the 8th day of *June* 1680



RICHMOND, VIRGINIA.

MCMXIV.

ATT A GEN^{RL}L ASSEMBLY

Begunne at *James Citty* at the house of M^{rs} *Sufanna ffisher* the
8th day of *June* 1680

SEUERALL of the Burgeffes Conven'd at the f^d house & Ordered one of the
Writts for Election of Burgeffes to be read.

The Writt directed to the high Sheriffe of *Stafford* was read.

The Seuth Burgeffes Mett appoint Coll. *Math. Kemp* Coll. *Joⁿ Page* Coll. *W^m Bird* and L^t Coll. *Joⁿ Burnham* to acquaint his Excellencie that the Burgeffes were mett & waited his Lordf^{ps} pleasure.

They bring anfwer that the Burgeffes should repaire into the Court house

His Lordf^p Sends word he is in the Court house and desires the Burgeffes attendance

The Burgeffes return from his Lordf^p and appoint to meet to morrow at Eight
o clock in the Morning

Die Merc the 9th June.

THE Burgeffes Conveen

They call over the names of the Burgeffes return'd

It is propos'd that Coll *Tho: Ballard*, Coll. *Math. Kemp*, & Major *Iaac Allerton* be Nominated for choyce which shall be Speaker

Coll *Ballard* } Coll. *Ballard* made choyce of, by two voyces being 15 for
Coll. *Kemp* } Coll. *Ballard* & 13. for Coll. *Kemp*.

It being propos'd for Coll. *Ballard* or Major *Allerton*, is agreed for Col *Ballard*

M^r *Speaker* takes the Chayre

The Burgeffes rise and depart

The Burgeffes Convene. Coll. *Kemp*, Coll. *Page*, & Major *Allerton* are by the
rest of the Burgeffes requested to waite vpon his Excellencie and acquaint him with
their being mett together & choyce of a Speaker and pray to know when his Lordf^p
will please they shall present him for his Lordf^{ps} allowance and approbacon

His Lordf^p returns anfwer he will first goe to Church, and that after prayers the
Burgeffes being mett he will Signifie his pleasure to them

The Burgeffes rise & goe to Church. They againe Convene, & goe together to
present M^r *Speaker* to his Excellencie.

His Excellencie approves of & confirms the Speaker, & opens y^e Aff^{mbly} by a Speech¹

The Burgeffes returne to the house. M^r *Speaker* takes the chayre and the house
adjournes to the beating of the Drum in y^e afternoone.

Die Merc June y^e 9th 1680 Post Merd

THE house mett & called ouer

Coll *White* Major *Armsteed* & Major *Swann* are appointed by the house
to request his Excellencie to appoint Cuncello^{rs} for giueing the Oathes to
the Respectiue Burgeffes.

To his Excellencie Tho: Lord Culpeper &c.

The house of Burgeffes humbly p^rsent

That

¹ This speech was omitted from the copy of the Journal sent to *England*. It will be found, however, on
page 147 of this volume.

That they haue of long time been well knowing of the Loyalty faithfulness & good abilities of *Robert Beuerley* their Clerk and humbly pray yo^r Lordsh^{ps} will please that he be continued and accordingly fworne by those most worthy Gentlemen of the Councell appointed to Sweare the Respective Burgeffes.

& as in all duety bound they shall ever pray &c.

Tho: Ballard Speaker

The aboue petition was Sent to his Lordsh^p.

by Coll. *Math: Kemp* & M^r *Tho: Barber*.

The Severall Burgeffes here vnder named were Sworne by Coll *Niccolas Spencer* Secretary & Coll. *W^m Cole* of the Councell & tooke the Severall Oathes of Allegiance Sup^rmacie & of a Burgefs.

Coll *Thomas Ballard Speaker*.

Coll. <i>W^m Bird.</i>	M ^r <i>Thomas Wythe.</i>	Coll <i>Geo: Mafon</i>
L ^t Coll. <i>Joⁿ farrer</i>	M ^r <i>Ed: Mihill</i>	M ^r <i>W^m ffitzhugh</i>
M ^r <i>James Minge.</i>	Coll <i>Lem: Mafon</i>	L ^t Coll. <i>W^m Peirce</i>
M ^r <i>James Bifs</i>	Majo ^r <i>Anth: Lawfon</i>	Majo ^r <i>Isaac Allerton</i>
Majo ^r <i>Sam^l Swan</i>	Coll. <i>John Page</i>	M ^r <i>W^m Preffley</i>
M ^r <i>Benj^a Harrifon</i>	M ^r <i>Tho: Barber</i>	fworn—
L ^t Coll. <i>W^m White</i>	M ^r <i>Charles Turner</i>	y ^e 10: <i>June Coll. S^t Leiger Codd</i>
M ^r <i>Tho: Taberer</i>	Coll <i>Math. Kemp</i>	y ^e 11 th {
M ^r <i>Tho: Pitt</i>	Majo ^r <i>Joⁿ Armsteed</i>	
M ^r <i>Henry Mills</i>	Coll. <i>John Burnham</i>	y ^e 16 th {
M ^r <i>John Speir</i>	M ^r <i>Abra: Weekes</i>	
Cap ^t <i>John Langhorne</i>	Majo ^r <i>W^m Lloyd</i>	
Cap ^t <i>Rich: Whittaker</i>	Cap ^t <i>Tho: Gouldman</i>	y ^e 17 th {
		y ^e 22 ^d {

Die Merc. June y^e 9th 1680. Post Mer.

HIS Lordsh^p returned his Assent to *Rob^t Beuerleys* being Sworne Clerk.

Robert Beuerley takes the Oathes of Allegiance & Sup^rmacie & of Clerk of Affembly in those following words and is Sworne by M^r Secretary *Spencer* and Coll *W^m Cole*, who alsoe gaue y^e Burgeffes Oath in those following words.

The Burgeffes Oath.

You shall Sweare vpon the holy Evangelists and in the Sight of God as a Burgefs of this Affembly that to all things proposd you shall deliver yo^r Opinion, faithfully, justly, and honestly, according to yo^r best vnderstanding and conscience for y^e Gen^r^l good and prosperitie of this Countrey and every p^ticuler member thereof, And to doe yo^r Endeavor to profecute that without Mingling therewith any p^ticuler intrest of any person or persons whatsoever.

Soe help you God.

The Clerk of the Affemblies Oath.

You shall Sweare vpon the holy Evangelists of Almighty God, Well faithfully & truly to Execute and p^rforme the office & trust of Clerke of this Affembly to the vtmost of yo^r Skill judgment and vnderstanding. The Secretts of this house you shall not disclose.

Soe help you God

His Excellencie Sent to the house his Majesties letter dated the 5th Decm^{br} 1679 w^{ch} was forthwith read in the house.

Alsoe three Severall bills, Intituled viz—

An Act of free & Gen^r^l pardon Indempnitie & oblivion

An Act for Naturalizacon

An Act for Raifeing a pub^l Revenue for better Support of the Government of his Majest^{ies} Colonie of Virginia. All w^{ch} were deliuered by M^r Secretary & Coll *Cole*

All which were read in the house.

A Committee appointed and Sent out to Examine the Writts

Coll. *John Page* Chayreman.

Major *John Armisteed*

Major *Lloyd*

Major *Sam^{ll} Swanne*

Cap^t *John Langhorne*

L^t Coll. *John farrer*

M^r *W^m Bolton* is appointed Clerke to this Committee.

M^r *Robert Bradley* his petition to be one of the Clerks of the Committee read in the house and he appointed to be Clerke in the absence of M^r *W^m Randolph*.

The house adjournes to the 3^d Drum tomorrow morning.

Die Jovis, the 10th June 1680.

THE house mett & called over
The Orders of the house read

M^r *Benja: Harrifon* & M^r *James Bifs* Sent by the house to request Coll
Spencer & Coll *Cole* to Swear those Burgeffes lately come.

Coll *S^t Leiger Codd* is Sworne.

The Report of the Committee for Examinacon of Writts return'd, read in y^e house voted imperfect, and the Committee Sent forth to bring a more p^efect report.

The Question put. Whether M^r *John Langfton* return'd a Burgeffs Elecd for *New Kent* County, by reason of the Lawes of this Countrey, and his Majesties present Exception againft him, be capable of Serueing as a Burgeffs in this house Or Not.

Resolu'd that he is not capable of Serueing as a Burgeffs.

M^r *John Langfton* Sent for to the house and the Refolue of the house read to him and he then bidd to depart the house.

Ordered that an Addrefs be made to his Excellencie for the iffueing New Writts for the Elecdion of One Burgeffs for *New Kent* Countie in the ftead of M^r *John Langfton* who is found by the Law & his Majesties Exception incapacitated to ferue. Alsoe for a New Writt for *Lancafter* Countie, They haueing made choyce of Coll. *S^t Leiger Codd* for their Burgeffs, who before that was Elecd for *Northumberl^d* Countie and hath declared in the house to Serue for that Countie

The Report of the Committee for Examinacon of the retorne of Writts, brought to the house, and read and allow'd in those following words.

Wee of the Committee doe finde M^r *W^m Sheerwood* in the Return of the Writts to be duely Elecded & returned. And whereas Comon fame hath asperffed him to be Convict of felonie (if he be found culpable) the Law of this Colonie hath made him vncapable to Sitt in the house of Burgeffes.

Proposed by the house that a Message of thanks be return'd from this house to his Excellencie of *Virg^{na}* for those great demonstracons of his Excellencies care for the good of this Countrey whil't his Excellencie remain'd in *Engl^d* and alsoe for those Noble proposalls his Excellencie was pleas'd to make in his late Speech & charge to the house of Burgeffes, Expressing his Lordshippes free, good, and great intentions for the future good of this his Majesties Countrey, and the Severall inhabitants thereof. And this house humbly pray his Excellencie will please to favo^r them with a Copie of the heads of that his Lordsh^{ps} most Noble Speech and charge, to the End they may the better know with all ready Submission to obserue and pursue the same, and to the end the same may be imparted in their respective Counties w^{ch} they humbly Suppose will be for the Gen^{ll} good, and Satisfaction of the Inhabitants thereof.

The above Message Sent by Coll *Kemp*, Coll. *Codd*, Coll *Burnham*, Major *Allerton*, Major *Lawson*, & M^r *Mills*.

A Committee appointed for Consideration of Propositions.

Major *Isaac Allerton* Chayreman.

Coll. *Mathew Kemp*.

M^r *Henry Mills*

Coll. *John Page*

Major *W^m Lloyd*

M^r *Charles Turner*

Major *Sam^{ll} Swanne*

Coll. *S^t Leiger Codd*

M^r *William ffitzhugh*.

Cap^t

Cap^t W^m Archer appointed Clerk of this Comitte, refuses

M^r Richard Auborne appointed Clerk.

Coll. S^t Leiger Codd being demanded of by the house which of the two Counties he made choyce to serue for being return'd Eleçted Burgefs for *Northumberl^d* County and *Lancafter* County, made choyce and anſwer he would ſerue for *Northumberland* County.

A Comitte appointed for Examinaçon of pub^l debts & claimes.

L^t Coll *John Burnham*, Chayreman.

L^t Coll. *William White*

Majo^r *Anthony Lawſon*

M^r *John Langhorne*

M^r *Tho: Taberrer*

M^r W^m *Preffley*

Majo^r *Richard Whittaker*

Coll. *Le^mu^ell Maſon*

M^r *Tho: Barber*

Cap^t *Thomas Gouldman*

Coll. *George Maſon.*

M^r *James Minge.*

M^r W^m *Bolton* appointed Clerk of this Comitte.

All Perſons that haue any propoſitions or Grievances to preſent to this Gen^l Affembly are to preſent them to the houſe by *tueſday* Night or to be Excluded for this preſent Seſſion.

This houſe adjournes vntill the Drum beates in the afternoone.

Die Jovis. Poſt Merid. y^e 10th of June. 1680.

YE houſe mett & called over.

A Comitte appointed to Examine run-away Certificates.

Majo^r *John Armſteed* Chayreman.

L^t Coll. *John ffarrer*

M^r *Edward Myhill*

M^r *James Biſs*

M^r *John Spier*

L^t Coll. W^m *Pierce.*

M^r *Robert Bradley* is appointed Clerke of this Comitte.

The Queſtion put whether an addreſs ſhall be made to his Excellencie of *Virg^{nia}* to affigne Councell to be joyn'd with the Severall Comitte's appointed Or Not.

Reſolu'd in the Negative

The Queſtion put ſhall the Vote for Noe addreſs for Councell to be joyn'd with the Comitte's be Sent to his Excellency or Not.

Reſolu'd in the Negative.

Eliz: City County Grievances read in the houſe and refer'd to y^e Comitte of Propoſitions.

Warwick County Grievances read in the houſe and refer'd to the Comitte of Propoſitions.

The houſe adjournes vntill to morrow the 3^d drum

Die Ven. June y^e 11th 1680.

THE houſe mett & called over

M^r *Benja: Harrifon* & M^r *Tho: Wythe* are Sent to requeſt M^r *Secretary* and Coll. *Cole* to ſwear Some Burgeſſes newly come to Towne.

L^t Coll. W^m *Waters* and Cap^t W^m *Whittington* tooke the Oathes of Allegiance & Sup^macie and the Oath of a Burgeſs w^{ch} was Adminiſtred to them by M^r *Secretary Spencer* and Coll. *William Cole.*

It is propos'd by the houſe that an Addreſs be made to his Excellencie of *Virginia* to know his Excellencies pleaſure about a Comitte for private cauſes, the houſe Suppoſeing it will be noe hinderance of time.

A Report from the Committee for Examination of Grievances read in those following words.

It is the Opinion of this Committee, that the house of Burgeses joyne with y^e passing his Majesties free and Gen^l pardon into an Act with the amendm^t of the Misnomer *Langifter*, to *Langstone*

It is likewise the Opinion of this Committee that the house of Burgeses joyne with y^e passing the Act for Naturalization

It is the Opinion of this Committee that the former Lawes confirmed by his Majesty concerning the imposition of the 2/^s 3^d hh & Castle dueties be continued, it being more consonant to the present State and condition of this his Majesties poore Countrey, and that the house doe most humbly desire to be Excused if they doe not give their approbation of his Majesties bill for the same.

The Petition of *John Langstone* to be taken out of the Exception in his Majesties bill read in the house. Ordered to be Endorsed thereon, That the house conceives the petition ill timed, and that it will be more proper for him to apply himselfe to any Assembly.

The house adjournes to y^e Drum beating in the afternoone.

Die Ven the 11th of June, 1680. post Mer^d

YE house mett & called ouer

Ordered that a Note be put up at the Assembly house doore to giue notice that all private causes depending in the Assembly by appeall are refer'd to the Next Assembly.

L^t Coll. *John Carter* tooke the Oathes of Allegiance and Sup^rmacie and y^e Oath of a Burges all which were administred to him by M^r Secretary *Spencer* & Coll. *W^m Cole*.

The house adjournes vntill the 3^d drum to morrow morning.

Die Satur. post Mer^d y^e 12th June. 1680.

THE house Mett & called ouer.

The Report from the Committee for the Examination of Grievances read in y^e house the second time

The bill of free & Gen^l pardon past the Second time.

The bill for an Act of Naturalization past a Second time

A Vote. Shall the Report of the Committee of Grievances concerning the bill Sent in by his Majesty for the imposition of 2/^s 3^d hh. & castle dueties be confirmed or Not Resolu'd in the affirmatiue by plurality of Voyces.

The Petition of *frances Lady Berkeley* read in the house about 300^l due, and Ordered to be read againe on Munday morning.

The Petition of the inhabitants of *black water* & *Curratack* read in the house and refer'd to y^e Committee of Grievances.

Majo^r *John Armsteed* and M^r *W^m ffitzhugh* are sent by the house to acquaint his Excellency that this house hath nothing to offer to his Lord^{sh} this afternoone.

The house adjournes to the 3^d drum Munday forenoone.

Die Mars y^e 15th June 1680.

THE house Mett & called ouer.

The Petition of M^r *Edw: Sanderfon* read in the house & refer'd to be read when the Committees report comes into the house about claimes.

The Petition of the Vper parrish of *Stafford County* read in the house about y^e wounding of *Thomas Poore* and releife for the parrish disburfments vpon him

The

The Question, shall the pub^l pay for the cure of the man mentioned in y^e Petition Or Not.

Resolu'd in the Negative.

The Petition of *W^m Chapman* read in the house and therevpon *Ordered* that 2000^l of tobacco be this yeare levied & p^d to y^e f^d *W^m Chapman*, to the intent he may thereby be Enabled and fury'd in his passing for *England* to gett cure and if he shall not pass for *England* but stay in the Countrey, that then after two yeares Expired he be henceforward paid one thousand pounds of tobacco annually for his releife dureing his impotencie.

Ordered that all pub^l claimes or run-away Certificates be brought to this house by fryday Night y^e 18th instant or not to be receiued dureing this Sessioⁿ.

The house adjournes to the beating of the drum.

Die Merc the 16th June 1680.

THE house Mett & called over.

The Petition of *Allice Harris* read in the house.

The Question shall there be any thing given her in Charity or not.

Resolu'd in the Negative.

James Wilkinson Orphant of *James Wilkinson* his petition read in the house in those following words.

That yo^r petitioners father &c.

Ordered that y^e good Services & Sufferings of *James Wilkinson* according as the petition truely Setts forth be put vpon record to the End Succeeding Asssemblies may consider the petitioner accordingly when he shall come to full age.

The Petition of *John King* read in the house.

The Question shall *John King* be allow'd any thing for his p^tended Services as interpreter or Not.

Resolu'd in the Negative.

The propositions of *Charles Citty Burgeffes* read in the house & refer'd to the Committee of Grievances.

Vpon the Petition of Coll. *Tho: Clayborne* for remoueall or Sale of Certaine Stray Horffes in his possession 'tis *Ordered* by the house that his Excellencie be made acquainted therewith, and humbly requested to Signifie his pleasure concerning the Same, there being an Act of Assembly declareing all Such Horffes vnclaimed shall be Sold for the vse of the publike.

Coll. *Codd*, Coll *Mason*, & Major *Armsteed* Sent with the aboue Message.

The house adjourned to the Next Drum

Major *Charles Scarburgh* and L^t Coll *John West* tooke the Oathes of Allegiance and Sup^rmacie, and the Oath of a Burgeffs and were Sworne by M^r Secretary *Spencer* and Coll *W^m Cole*.

Post Merc.

Y^E house Mett & called ouer

Coll *Cuthbert Potters* Petition about freight p^d for great Gunns read in the house and refer'd to Comitte of claimes.

The Proposition of the Inhabitants of *Northampton* about Horffes read in the house and refer'd to the Comitte of grievances.

The Petition of Coll. *W^m Kendall* about his Agencie in those following words read in the house.

To his Excellencie, The honor^{ble} Councell & R^t Worsp^l house of Burgeffes

W^m Kendall of Accom^t Countie, Gen^l
Sheweth.

That at a Grand Assembly

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Ordered

Ordered by the house that Coll *Kendalls* petition be return'd to him as being imperfect for Not Nominateing therein Coll. *Southy Littleton* his being joyn'd with him in the Agencie, with the time he continued therein before his death

Proposition of *Midd^x Countie & Glof^r County* about Serv^{ts} Indentures & Certificates read in the house and refer'd to y^e Comitte of propositions

The proposition of *Henrico County* concerning Indians read in the house and refer'd to the Comitte of propositions.

The Bill of free & Gen^l Pardon read in the house and past the 3^d Vote *Nemine Contradicente*

The bill for Naturalizaçon read in the house & past the 3^d Vote *Nemine Contradicente*

The house adjournes vntill tomorrow y^e 3^d Drum.

Die Jovis. y^e 17th June 1680.

THE house Mett & called Over, all the Members appeare

Majo^r *George Morris* tooke the Oathes of Allegiance & Sup^rmacie and y^e oath of a Burgefs which were administred to him by M^r Secretary *Spencer* & Coll. *W^m Cole*.

Coll. *W^m Kendall* his petition on behalfe of himselfe & Coll. *Southy Littleton* dec^d as Agents was read in the house.

Ordered that Coll *Kendall* deliuer into the house an Acco^t of the whole Agencie as alsoe of the Expençe and charge thereof.

Coll *Kendall* delivers in Certaine papers Indorfed viz.

Albanie the 25th 7^{br} 1679. Coll *Kendalls* Pposition to y^e *Maquese*

Albanie the 26. 7^{br} 1679. *Maquese* answer vpon Coll *Kendall*

Agent for *Virg^{as}* proposition

And read in the house.

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The Examinaçon of the papers & Mañage of the Agencie is refer'd to y^e Comitte of propositions & Grievances.

The bill Sent in by his Majesty for raiseing a pub^l Revenue for the better Support of the Governm^t of his Majesties Colonie of *Virginia*, read in the house the 3^d time.

The Queſtion. Shall the Report of the Comitte of Grievances concerning the bill Sent in by his Majesty for the imposition of 2/^s p^h & Cattle duties be confirmed. Or Not.

Resolu'd in the affirmatiue by pluralitie of Voyces.

The propositions of *Surrey County* Burgeſſes read in the house & refer'd to Comitte of Grievances.

The Petition of the Inhabitants of *Pamunkey* read in the house and referr'd to Comitte of Grievances.

The Petition of the Lady *Berkeley* read in the house & therevpon Ordered that there be a full and plaine Representation of her Ladyſ^{ps} Right to the Money therein Mentioned Sent from this Affsembly to his Majesty with their humble Addreſs and request to his Majesty that the ſame be paid her, and that the Countrey may Not Suffer by double paying the Money.

Accom^t propositions and Grievances read in the house & refer'd to Comitte of Grievances.

Coll *Ed: Hill* his Petition for Certificate of Behauior read in the house—Wherevpon it is Ordered that a full and true Certificate from this house be giuen thereof to his Excellencie, with their humble request that his Excellencie will please Soe to Rep^{re}ſent him to his Majesty, as his Conſtant Loyaltie and Services deferue.

The house adjournes to the beating of the Drumme.

Die

Die Ven. the 18th of June. 1680.

THE house Mett & called Ouer

Vpon his Excellencies returne to the addrefs of the house about the Horffes in Coll. *Tho. Claybornes* petition mentioned. It is *Ordered* that it be Entred on the Journall that y^e said *Clayborne* fhall make Certificate to M^r Secretaries office of the said Horffes, as the Law enjoynes, and giue informaçon thereof to the Next Affembly.

The Report of the Co^mitte of Grievances concerning the Agencie of Coll. *W^m Kendall & Coll. Southy Littleton* read in the house in those following words.

It is the Opinion of this Co^mitte, that Coll. *W^m Kendall* hath fully Executed his Agencie to *New York* according to his instructions & that he be rewarded according

The Report Confirm'd & further *Ordered* that the Children of Coll. *Southy Littleton* be considered for that part of the Agencie which he performed dureing his lifetime.

Ordered that the Report of the Co^mitte of Grievances vpon the three bills Sent in by his Majesty, be Sent to his Excellencie & the Councell.

The Question. Whether fhall a debate about his Majest^{ys} bill concerning y^e 2/^s 3^d hh. be reassumed by this house with limitations or not.

Resolu'd in the Negatiue.

June y^e 18th
1680.

To his Excellencie Tho: L^d Culpeper &c.
And to the Hono^{ble} Councell

The house of Burgeffes Present.

That in three Severall Votes they haue vnanimously assented to the bills Sent in by his Majesty Intituled. *An Act of free & Gen^l pardon, indemnity & Obliuion. & An Act for Naturalization.*

And the Report of the Co^mitte concerning the bill Intituled *An Act for raiseing a pub^l Revenue for the better Support of the Governm^t* (being in those following words.

It is the Opinion of this Co^mitte that the former Lawes confirmed by his Majesty concerning the imposition of the 2/^s 3^d hh. and Castle dueties be continued. It being most consonant to the p^rsent State and condition of this his Majesties poor Countrey, And that the house doe most humbly desire to be Excused if they doe not giue their approbaçon of his Majest^{ys} bill for the same) being put to y^e Question Whether the said Report should be confirmed Or not, Was in three Severall Votes *Resolu'd* in the affirmatiue.

The aboue Message Sent by Coll. *Burnham*, Coll. *Carter*, Major *Armsteed* & Cap^t *Mills*

Virginia June

y^e 18th 1680

By the house of Burgeffes.

Coll. *Edw^d Hill* of *Charles Citty* Countie haueing by his Petition to this house Sett forth that for causes to him vnknowne and to his vnsupportable grieve he lyes vnder his Majesties Royall displeasure, and praying this house would be pleas'd to giue such Certificate to his Excellencie *Tho: Lord Culpeper* his Majest^{ys} L^t and Gov^r Gen^l of *Virg^{na}* of his behaviour and deportment in his life and conversation before, and demeano^r, actings, loyalty, & Sufferings in the late vnhappy distractions of this Countrey as by the house may be thought justly due. They doe therefore hereby Certifie and declare to his Excellencie and to all the world that the abouesaid Coll: *Edward Hill* is and hath alwayes been of good fame & cleare reputation in his life and Conversation, and that he hath not in the least been Stained with any vnjust or vnworthy action, which will alsoe at large appeare by Certificate giuen him from the whole Court and Militia Officers of *Charles Citty* Countie, and from the Court of *Henrico* Countie. That we haue knowne him a Member of the house of Burgeffes for Severall yeares where he behaued himselfe with prudence & integritie, and the very last Affembly was Burgefs for *James Citty*. And we doe further testifie that the said Coll *Edw^d Hill* was alwayes

Loyall

Loyall to his most Sacred Majesty in the late unhappie Rebellion in this Countrey & did doe Seuerall good Services towards the reducement of this Countrey to his Majesties Obedience whyle his wife and children were kept prisoners vnder *Bacons* Command, and his Estate plundered carried away, ruin'd, & destroyed, w^{ch} may likewise appeare by *Sr W^m Berkeley* late Governo^r his Certificate. This house doth therefore most humbly moue his Excellencie not only to giue full credit to this our Certificate, but See to represent it to his most Sacred Majesty, that y^e integrity honesty, innocencie & Loyalty, of the said *Coll Ed: Hill* may be made knowne, to the end he may Noe longer lye vnder his Royall displeasure.

Signed by ord^r of the house.

Tho: Ballard. Speaker.

The house adjournes vntill tomorrow 3^d drum.

Die Satur. y^e 19th June 1680.

THE house mett and called ouer.

His Excellencie Sends word by *Mr Henry Heartwell*, Clerk of the Councell that he desires from the house that his Majesties three bills vnder the broad Seale be Sent to him

Debated in the house whether the Said bills shall be return'd by Some members of this house or by the Clerk.

Resolu'd that they be return'd by Members of the house & y^e Clerk to attend them

Ordered to be Sent by *Coll. Carter*, *Majo^r Scarburgh* *Coll Bird* & *Majo^r Lloyd* with the Clerke attending.

Debated immediately whether the Said bills vnder his Majesties broad Seale shall be Sent by the foure Members aboue appointed or in what other maⁿer they shall be Sent.

Resolu'd that they be Sent by the Gentlemen Nominated, with *Mr James Minge* and *Cap^t Gouldman* added.

The Petition of *Coll. Cadwallader Jones* for releife read in the house.

The Question shall his petition be taken into y^e Considera^{ti}on of the house Or Not
Resolu'd in the affirmatiue by plurality of Voyces.

Vpon the motion of *Coll John Burnham* (being sick & indisposed) that another Chayreman be appointed in his place. It is *Ordered* that *Coll. W^m Bird* be appointed Chayreman in his place and that *Coll Burnham* (with his Conueniencie) doe continue to assist in that Comitte.

July y^e 19th 1680.

By his Excellencie

Vpon the receipt of the Vote of the house of Burgeffes on his Majesties bill of 2/^o 2^o hh. vnder the broad Seale, a Conference is appointed to be held at the house of *Mr W^m Sherwood* on *Munday* foure of the clock in the afternoon with such Members as the house of Burgeffes shall appointe of theirs, and those of the Councell appointed for this conference are, *Coll. Niccolas Spencer*, *Coll Nath^l Bacon* *Coll. Joseph Bridger* & *Coll. William Cole*.

Signed by his Excellencies Com^{and}

Hen: Heartwell Cl Gen^l Aff^{mbly}

80

Question. Shall *Coll. Cadwallader Jones* haue releife vpon his petition from the Countrey or not.

Resolu'd in the Negatiue by plurality of Voyces.

Ordered that the Clerke doe informe & acquaint the house on *Munday* that *Majo^r Whittaker* this day absented himself from y^e house & ridd out of Towne without leaue.

Resolu'd by the whole house that they joyne in the Conference appointed by his Excellencie, And this house appoints *Coll. John Page*, *Majo^r Isaac Allerton* *Majo^r Charles Scarburgh*, *Coll. John Carter* *Majo^r John Armsteed*, *Coll Jo^s Burnham*, *Majo^r W^m*

W^m Lloyd, M^r William ffithugh, L Coll. W^m Waters & L^t Coll. John West to attend the Gentlemen of the Councell at the place appointed for the conference.

Coll. West D^r Spiers and M^r Prefley are Sent to his Excellencie with the Resolue of the house.

The house adjournes to the 3^d drum on Munday morning.

Die luna June y^e 21^{ft} 1680.

THE house mett & called ouer

The Petition of *Henry Hacker* for charitable releife read in the house.

The Question. Shall the house giue releife or not. *Resolu'd* in the affirmatiue

What shall be giuen. *Resolu'd* Six thousand pounds of tobacco.

The Petition of Coll. W^m White on behalfe of *James Citty* parrish read in the hous
And therevpon *Ordered* for the finishing the Church at *James Citty* there be fourteen thousand pounds of tobacco this yeare levied and paid into the hands of Coll *William White* for the vse abouefaid.

Ordered that those Gentlemen appointed on *Saturday* last by the house to joyne in the Conference with the hono^r^{ble} Councell therevnto appointed, doe giue acco^t of their proceedings therein to this house.

The house called over

The Gentlemen appointed for the Conference deliver the effects of their Conference

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The house desires time to consider of the report brought in by the Gentlemen appointed for the conference.

The house adjournes vntill tomorrow morning the third drum

Die Mars. y^e 22^d June 1680.

THE house Mett & called ouer

Cap^t *David fox* tooke the Oathes of Allegiance & Sup^rmacie, & the Oath of a Burgefs w^{ch} were administred to him by M^r Secretary *Spencer* & Coll *Cole*.

The Report of the Comitte for Examinaçon of runaway Certificats read in the house & allowed.

The house adjournes vntill tomorrow morning the 3^d Drum.

Die Merc. the 23^d of June 1680.

THE house mett & called ouer.

The Reports of the Comitte of Grievances read in the house.

The Question shall 25. or 20. Soldiers be continued at y^e Seu^rall respectiue fforts

Resolu'd twenty ffive.

The Question shall the Charge of the fforts, Soldiers wages proviffions and other Necessaries be borne by the Pub^l or not.

Resolu'd in the affirmatiue.

The Question. Whether from the Report giuen from those Gentlemen appointed for the Conference of the arguments in that conference held a further debate for the passing or not passing his Majest^{ies} bill about the two shillings 7^d hogshhead shall be reassumed by this house or not.

Resolu'd in the Negatiue by plurality of Voyces. 17 yea's. 21. Noe's

The house adjournes vntill the beat of drum in the afternoone.

Die

Die Merc post Merid^m y^e 23^d of June 1680.

THE house Mett & called ouer

The Vote of the house about the not Reassumeing his Majesties bill of y^e 2^{/s} ¶ hh Sent to his Excellencie by Coll. *Carter*. L^t Coll. *Waters* Major *Lloyd* & Cap^t *ffox*

A Comitte appointed to Examine the list of Clerks fees and make report thereof. L^t Coll. *John West* Chayreman.

M^r *James Minge*. Major *Geo: Morris*. Cap^t *W^m Whittington*.

Thomas Scott appointed Clerk of this Comitte.

The house adjournes vntill to morrow the 3^d Drum.

Die Jovis the 24th June 1680.

THE house Mett & called ouer.

The Petition of *Malute, alias Michael Wood* read in the house

His Excellencie Sends word to the house by M^r *Henry Heartwell* that he Expects the Attendance of this house at the Court house at three a clock in y^e afternoon

This house appoint, Coll *John Page*, Coll *Nath. Kemp*, Coll *S^t Leiger Codd* and Major *Sam^l Swanne*, to acquaint his Excellencie that the house will attend his Comands now Sent to this house, at the time & place appointed.

They returne answ^r, that they have acquainted his Excellencie that this house will attend his Comands at the time & place appointed.

The Question. Shall the fforts be continued or Nott

Resolu'd in the Negatiue. 15. yea's. 18. Noes.

The Question shall the places for the Townes be appointed by y^e Burgeffes of this house, Or by the ffree holders in Each Countie.

Resolu'd the places to be appointed by y^e Burgeffes of this house

The house adjournes vntill the Drum beates in the afternoone.

Post Merid.

THE house Mett & called ouer

John King Interpreter his Petition read in the house, & Ordered there-vpon that he be allowed one yeare wages as Interpreter

Coll. *Codd*, Coll. *White*, Major *Armsteed* and M^r *Preffly* are appointed by y^e house to acquaint his Excellencie that this house attends his Lordf^{sh} pleasure when they shall attend him at the Court house.

The Petition of the Credito^{rs} of *Gyles Bland* read in the house.

His Excellencie Sends for the house of Burgeffes to attend him at y^e Court house.

They forthwith goe.

The Burgeffes returne to the house, and being called ouer all appeare.

M^r *Speaker* Sumes vp his Excellencies Speech, and Severall of y^e members reminde the house of Seuerall parts thereof, vpon which the Question ¶pos'd is.

Whether the debate concerning the bill, Intituled *an Act for raiseing a pub^l Revenue for the better Support of the Governm^t* shall be reassumed by this house or not.

Resolu'd in the affirmatiue. 23. yea's. 16. noes.

Ordered that his Excellencie be acquainted with the Vote of the house for reassume-ing the debate about the bill of the 2^{/s} ¶ hh.

The Question. Whether shall their be an addrefs from this house to his Excellencie for a Copie of the heads of his speech, this day made to the house or Not

Resolu'd in the Affirmatiue.

Virg^{na}

To his Excellencie.

By the house of Burgeffes.

This house humbly Signifie to yo^r Excellencie that they haue Voted the reassume-
ing y^e debate about his Majest^{ys} bill, Intituled *An Act for raiseing a pub^l Reveñue &c*
And for the better Satisfieing & cleering such doubtts, as haue lately happened & been
vrg'd in this house concerning the passing or Not passing the said bill, this house most
humbly pray yo^r Excellency will please to favour them with a Copie in writeing of that
yo^r Lordsh^{ps} most Excellent speech lately by yo^r Lordsh^p deliuered in Words concerning
the Same, to the end it may be imprinted in the apprehensions & memory of every
individuall member thereof. And this house humbly pray yo^r Lordshipp will please
to remitt the said bill into the house.

The afore^d Address, Sent by Coll. *Page*. L^t Coll. *White*. Major *Charls Scarburgh*
and Major *Lloyd*.

They bring answer that his Excellencie will giue the house what Satisfaction he
can, as to the heads of his Speech, and that he will forthwith returne the bill to the
house.

His Excellencie Sent his Speech, and the bill for the 2/^s 3^h to the house by M^r
Secretary & Coll. Cole, M^r *Heartwell* Attending with the bills.

The bill Sent in by his Majesty about y^e 2/^s 3^h. read in the house.

His Excellencies Speech read in the house, in those following words.

M^r Speaker, & you Gentlemen of the house of Burgeffes.

Yo^r Yesterdaies Vote is the occasion of my Sending to you now, I was Sorry to
receive yo^r first Vote of agreeing but to two of his Majesties bills but totally Surprized
with this (that carries with it the agravation of admitting a conference to noe other
purpose but los of time) which is totally vnparliamentary and will make the Exercize
of Assemblies, (which as most necessary ought to be most easy) wholly impracticable,
if not impossible, Except the house of Burgeffes p'tend to the Sole Legislative power
w^{ch} noe house of Comons in *England* ever did 'till first voted away both King & Lords.
It looks as if you could giue noe reasons (which I am Sure you alwaies will doe for all
yo^r actions) or as if you were affraid to be convinced, this concerns futuritie as well
as the p'sent and therefore I desire you to lay aside that irreguler proceeding which
never can be vsfull and therefore I assure my selfe you will resume the debate.

Though the managers of the last Conference haue I am Sure giuen most strong
reasons for the Councells vnanimous concurrence to the Acts, yet Since I am on this
Subject I shall offer mine alsoe both as to the Right of the King, and the prudentiall
consideracons of this time. That his Majesty hath vndoubted right to Collect it, and
by every ones consent here is by his Representatiue the head of the Assembly, and
that the first Act is perpetuall I am Sure none will question, Now if in Joyntenancie
the King by y^e Comon law (in force before Statute law) take the whole, much more
shall he haue the p'ference in a different application of vses for that only can be the
question. for you may as well presume he will take away yo^r free holds as Act contrary
to the Act which carries in Negatiue words (to noe other vse or purpose whatsoever
&c) 'twas with noe Small difficulty I did in yo^r behalues and in Some Sort my Owne
too (for my intrest is considerable) obtaine the inserting those words and both in that
and the transaction about y^e Audit^r I p'tend to haue done you Service whether you
interprett it foe or not, but to take away all Scruples I offer after the passing the Act
not only to assist you but to joyne with you as a party in a petition to his Majesty
(though in noe Sort I question it) that the money may alwaies remaine here, that
it be applied and accompted for too from time to time to the Countreys vse as the
King shall direct, and that the Auditor be chosen & allow'd as formerly And I doubt
not of his concurrence to yo^r full content, but feare it Otherwaies. ffor the prudentiall
reasons, Consider the affaires of the Quitt Rents Consider yo^r pub^l Credit and levies
consider the Kings favour in every thing you may aske even to a cessacon or otherwaies
in this low ebb of tobacco and then reflect if it be *tanti* for you not to concurr, in a thing
y^e I am assured y^e King on Mature debate in Councell judges his owne & will foe vse
it

it and that more frely then if this Act past. All these consideracons must be laid at the door of those that oppose it, though I assure mysele that in a buisness soe cleer neiy^r the ignorance, or too much or too little wifdome of any wilfull p^rsons will p^rvaile wth you to obstruct or retard the service of the Countrey w^{ch} hitherto (except by the lowness of tobacco) hath neuer had a more likely & comfortable prospect, & I doubt not but this nights debate of yo^{rs} will fully Settle all buisness to his Majesties content & y^e wellfare of this Colonie w^{ch} is my chiefeft Concern

The Question. Whether his Majest^y bill Intituled, *An Act for raiseing a pub^l Revenue &c.* Shall pass or Not, all former Acts of Assembly relateing to the raising y^e 2^d p^{ar}th. the Castle dueties & head money being repeal'd & made void.

June y^e 24th 1680. *Resolu'd* in the affirmatiue.

The house adjournes to the 3^d drum to morrow morning.

Die Ven. the 25th of June. 1680.

THE house mett and called ouer

The Petition of the Inhabitants of *New Kent* County read in the house about y^e Diuiffion of the Countie.

Ordered that the former Order of Assembly be confirm'd with the Alteracons only of free holders only to giue their Votes for the Diuiffion of the Countie.

The Question. Whether vpon a prayer for an Explanation by this house of a dubious Law, the house will Enter Vpon Explanation thereof Or Not

Resolu'd in the affirmatiue *Nemine Contradicente.*

The Question. Shall the fforts be continued or not

Resolu'd in the affirmatiue.

The Question, what Number of Soldiers shall be continued at each ffort Whether twenty or 25.

Resolu'd Twenty

Shall the Question aboue be alter'd or Not. *Resolu'd* it shall Not

The Question, Whether his Majest^y bill Intituled *An Act for Raiseing a publique Revenue &c* shall pass or not. All former Acts of Assembly relateing to y^e Raising y^e 2^d p^{ar}th. the Castle dueties & head Money being repeal'd & made void

Resolu'd in the Affirmatiue

Resolu'd by the house, that an humble Address be made to his Excellencie that a Conference be held at such time and place as his Excellencie shall appoint, of Some of the hono^rble Councell and Some Members of this house for clearing such doubts as seem to arise about passing y^e bill sent in by his Majesty Intituled *An Act for raiseing a pub^l Revenue &c.* & their humble desire is that it may be this afternoone: The Burgeses appointed by the house for this Conference are, Coll. *John Carter*, Major *W^m Lloyd*. Mr *John Spier*, Cap^t *Tho: Gouldman*, Coll *John Page* Major *Isaac Allerton*, L^t Coll. *W^m Waters*, Major *Charles Scarborough*, Major *Sam^l Swann* & Mr *W^m ffitzhugh*.

L^t Coll: *Jo^s West*, Coll. *Jo^s ffarrer*, Mr *W^m Pressly* & L^t Coll. *Pitt*, are Sent by the house with this address to his Excellency

His Excellencie Sends word by Mr *Heartwell* that those Gentlemen of the Councell formerly in the Conference will attend this afternoone at three a clock at Mr *Sheerwoods* to joyne with the Members of the house in the 1^d Conference.

The house adjournes to the beat of drum in the afternoone.

Post Merid. the 25th of June. 1680.

THE house mett & called Over.

The Gentlemen appointed for the Conference are Sent to y^e place appointed.

The Gentlemen returne

They report that the issue was left, whether there should be limitations in the Act about the bill, which could not be concluded vntill the Councell had advifed with his Excellencie.

Mr *fitzhugh* Major *Lloyd* and Mr *Minge*, are appointed by the house to direct y^r Clerk in the drawing vp the limitations & Restritions necessary to be added to the bill Intituled. *An Act for raiseing a pub^l Revenue &c.* And to present the same to be read in the house tomorrow for allowance or otherwaies as shall be agreed and concluded on.

The Reports of the Committee of Grievances haueing been three times read in the house are Ordered to be Sent to morrow morning to his Excellencie & the Councell for their perusall consideraçon and allowance, together with the Severall Counties Aggrievances, and all other Propositions on which the said reports are grounded

The house adjournes vntill to morrow morning the 3^d Drum

Die Saturn.

THE house mett & called over

The Reports of the Committee of Grievances & propositions, Sent to his Excellency and the Councell by Coll. *Carter*, & Coll. *Geo: Mafon*, together with the Counties Grievances and propositions on which the Reports are grounded

Mr *Bolton* is Ordered to attend the Gentlemen.

The Question whether this house shall take Notice of any claimes on pub^l acco^t preceeding the *Green Spring* Assembly Or Not

Resolu'd in the Negative.

The Question. Whether his Majest^s bill Intituled *An Act for raiseing a pub^l Revenue &c.* shall pass or not. All former Acts of Assembly relateing to the raiseing the 2/^s *¶* hh. the Castle dueties & head money being repeal'd & made voyd.

Resolu'd in the Affirmative.

His Excellency Sends word by Mr *Heartwell* that he desires the house to continue Sitting Some time for that he has Something to offer to them.

The house returns answer they will waite his Excellencies Comands.

His Excellencie returns Mr *Heartwell* to acquaint this house that y^e Consideration of what he intends to send to the house requires time to *¶* vse the Acts of Assembly and therefore he desires the house to be Sitting at three a clock in the afternoone.

The house returns Answer to his Excellencie by Mr *Whittington* & Mr *Harrison* they will attend at the house as his Excellencie Comands.

His Excellency Sends to Speake with the Clerke, the house Orders him forthwith to goe.

His Excellency obserues Misdates in the Prouisoës Sent to be added to the bill Intituled *an Act for raiseing a pub^l Revenue &c* which are mended by the Clerke, and reported to the house and allow'd.

June the 26. 1680.

To his Excellency & the hono^{ble} Councell

The house of Burgeesses most humbly propose

That those following Provisoës may be added to the Bill Intituled, *An Act for raiseing a pub^l Revenue &c.* And be part & parcell thereof. viz—

Provided alwayes and it is hereby Enacted and declared by the Authority afores^d that the Act of Assembly in the printed booke (Intituled *imposition of 2/^s ¶ hh.*) made at a Grand Assembly held at *James Citty* the 23^d of *March* 1661. Alsoe one other Act intituled *an Act for the imposition of 2/^s ¶ hh.* made at *James Citty* the 2^d of *Decemb^r* 1662. Alsoe one Act in the printed booke intituled *Castle dueties to be p^d* made at a Grand Assembly holden at *James Citty* the 23^d *March*. 1661, and all oy^r former Acts for the raiseing or levieing of 2/^s *¶* hh. impost vpon tobaccoes Exported out of this his Majest^s Colonie of *Virginia*, or for raiseing or levieing of Castle dueties toñage or head money be and are hereby by Vertue of this Act fully repealed and made Void to all intents and purposes any thing in this Act or any other law, Statute, Custome, vsage, or instructions whatsoeu^r to the contrary Notwithstanding. Provided alsoe and it is hereby Enacted and declared by the Authority aforesaid that the priviledge

of

of *Virg^{na}* Owners of Shippes Expreffed & Sett downe in the 134 Act in the printed booke intituled *priviledge of Virginia Owners* made at *James Citty* the 23^d March 1661. And one Act made at *James Citty* the 20th of Octob^r 1669 (intituled *an Act for freing Virg^{na} Owners from Castile dueties*) shall be and are hereby meant and intended to be in full force pow^r and Vertue to the benifitt vse and p^riviledges of all and every such Owner or Owners, any thing in this Act, or in any other Act, Law, Statute, Custome, vsage, Or instructions whatsoeu^r to the contrary Notwithstanding.

Coll. *Bird*, Majo^r *Swanne*, Majo^r *Armsteed* & M^r *ffitzhugh*, are Sent by this houle to carry the propofalls to his Excellency & Councell

The Question put, Shall M^r *Sanderfon* Sheriffe of *James Citty* County in full of his Acco^t and attendance, be allow'd thirty thousand pounds of tobacco, or twenty five thousand pounds of tobacco.

Resolu'd twenty five thousand.

The houle adjournes vntill the Drum beates

Post Merid

THE houle Mett & called Ouer

Coll. *S^r Leiger Codd* & Majo^r *Charles Scarburgh* for there going out of Towne without leaue and thereby Neglecting their due attendance in this houle are fined One hundred pounds of tobacco each man to be p^d to the vse of the pub^l & discounted out of the levies in their respectiue Counties.

His Excellency Sent into the houle by M^r Secretary *Spencer*, Coll. *Bacon* & Coll. *Cole*, a Petetion directed To the Kings most Excellent Majesty in those following words.

To the Kings Most Excellent Majesty.

The humble Petition of the Gen^l Assembly.

Sheweth

That yo^r Petitioners haue with their hearty thankes imbraced yo^r Majest^{ty} Act of free & Gen^l pardon & Oblivion. And passed the 2^d Act of Naturalization.

That Relyeing On yo^r Majesties Justice, and vpon Assureance from the L^t and Gover^{nr} Gen^l here that the Act intituled *an Act for the raiseing a pub^l Reveñue for the better support of the Governm^t* is only to Succeed in the place of Severall former Acts of Assembly made here. viz—*An Act for the imposition of 2/^s ꝓ hh.* made at *James Citty* the 23^d of March 1661. An Act intituled *an Act for the imposition of 2/^s ꝓ hh.* made at *James Citty* the 2^d of Decemb^r 1662. And an Act intituled *Castile dueties to be paid* made at *James Citty* the 23^d of March 1661. And in Noe Sort intended to raise a double imposition, as alsoe vpon the repealing the said three Acts in vsuall man^r here & provideing by another Act that *Virginia Owners* shall be free from the dueties therein Mentioned as formerly they haue, likewise with all cheerfulness passed the said Act intituled *an Act for the raiseing a pub^l Revenue for the better Support of the Government.* But in regard there is Some question whether the said former Acts for raiseing moneys can be regularly repeal'd by Act of Assembly here without yo^r Majesties Exprefs consent, Or without yo^r Majesties perticuler instructions to yo^r Lieut^{nt} and Govern^{or} Gen^l of this Colonie, which the Lord *Culpeper* hath not but only in Gen^l Tearmes Especially Since your Majesty hath been made acquainted therewith, & the same is mentioned in yo^r instructions to yo^r late Govern^r S^r *W^m Berkeley* beareing date the 12th of Sep^r 1662. and as by some conceiued confirmed thereby. ffor remoueall thereof and the full quieting and Satisfaction of the mindes of yo^r loyall Subjects of this Colonie. Wee humbly begg and Expect yo^r Majesties confirmacon of the said Repeale. And yo^r Gen^l Assembly doth further represent to your Majesty that it is absolutely Necessary for your Service and the welfare of this your Colonie, that the office of Auditor of this Colonie being a place of the greatest trust and consequence should be Executed by Some deferueing person resideing here in whose fidellity & Conduct this Countrey may be Satisfied and noe other. And haueing been informed by his Excellencie of a grant Surrepitioufly

Surreptitiously obtained from yo^r Majesty of that place by one *Elwayes* which would haue been ruinous to this yo^r Colonie and which by his Lordshipp's application to yo^r Majesty was rejected and laid aside to our great content and for which we returne yo^r Majesty our most humble thanks, for the prevention thereof for the future and that yo^r Majesty may be freed from the like importunities, and none but fitt persons may Execute the same, in whom yo^r Majesties Colonie may haue full assurance, and of whom by reason of the distance of the place, yo^r Lieut^{nt} and Gouverno^r here is the best judge,

Your Gen^{ll} Affembly doth humbly Supplicate yo^r Majesty that the s^d Auditor may be first recommended to your Majesty by yo^r Said Lieut^{nt} and Gouverno^r Gen^{ll} as formerly, out of Some of the fittest persons, then residing in this Colonie for that great trust and noe others and afterwards confirmed by your Majesty in Such Maⁿer as hath hitherto been practized

June the 26th 1680. To his Excellencie.

The house of Burgeses humbly Present

That according to the Propositions Sent to yo^r Excellency and the hono^{ble} Councell this morning this house with an vnanimous Consent haue voted the passing the bill Intituled *An Act for the raiseing a pub^l Revenue for the better Support of the Governm^t &c.* With the provisoes therewith Sent to be added as part & parcell thereof. And this house even Now haueing receiued from yo^r Excellency the forme of a Petition to his Majesty intimateing the passing a Certaine bill for the repealing Severall former Lawes raiseing an impost of 2/^s 7^d hh. and certaine other duties called Castle dueties, toⁿage and head money, and praying his Majesty for confirmation thereof will giue his Royal assent, for that with all Cheerfulness they haue passed the said Act, Intituled *an Act for the raiseing a publique Revenue &c.* This house in all humillity Signifie to yo^r Excellency, that they cannot with Safety pass the said bill without the Additions & provisoes (mentioned to yo^r Excellency & the Councell) be added and included as part & parcell of the said bill; And humbly pray yo^r Excellency and the Councell will please to Assent to the said Additions and provisoes, that the said bill may Soe pass into an Act of this Generall Affembly, and noe otherwaies.

Sent with this. Major *Allerton*, Coll. *Kemp*, Coll. *Page*, & Coll. *White*,

The house adjournes to the 3^d drum. Munday morning.

Die Luna the 28th June. 1680.

THE house Mett & called Over

The booke of the Reports of the Co^mitte of claimes partly read in the house.

The house adjournes vntill drum beats in the afternoone.

Post Merid.

THE house Mett & called over.

Att a Gen^{ll} Affembly begunne at *James Citty* the 8th of June 1680

frances Lady *Berkeley*, Setting forth to this affembly that there is due to her deceased husband S^r W^m *Berkeley* K^{nt} his Majesties late Governo^r of this his Colonie of *Virginia* three hundred pounds Ster^t for Salaries (as Governo^r) yet vnpaid from the time he Exerciz'd the said Governm^t to his great cost & Expence from the tenth day of *febr* 1676 / 7 to the tenth day of *May* 1677. Which said S^ume by ord^r of Affembly held at *Middle plantation* the tenth day of *October* 1677. was deposited in M^r Auditor *Bacons* hands and by him Remitted into the hands and keeping of *John Jeffreys* Esq^r of *London* Merch^t there to remaine vntill his Majesty should giue directions concerning the same. And further declareing to this Affembly, that thee hath been much prejudiced for want of a right representation to his Majesty and hath not (though demand made thereof) receiued the said moneys Soe justly due as

aforesaid

aforesaid. And makeing fresh Suite to this Assembly that she may forthwith be paid the 1st Sume Soe deposited and due vnto her as Relict and Executrix of S^r W^m Berkeley aforesaid. The Councill and house of Burgeses of this present Assembly doe unanimously and in all humillity Certifie to his most Sacred Majesty, that the said Sume of three hundred pounds Ster^t is legally due vnto the said Lady Berkeley as Executrix aforesaid, as well by Vertue of his Majesties Royall instructions as by Act of Assembly in that case provided. (both which ascertain the Governo^rs Salary) for that the Right Hono^{ble} S^r W^m Berkeley, personally in this his Majest^{ys} Colonie of Virginia, duely Exercized the office of Governo^r from the said tenth day of *February* to the aforesaid Sixth day of *May*, And therefore most humbly Supplicate yo^r Majesty will please to Order the ready payment of the said three hundred pounds (Soe deposited) to the Lady Berkeley, as not only justly due to the said Merritts and Services of the said S^r W^m Berkeley from this Colonie, but as it is the legall right of the Petitioner, who in case of non-payment may alsoe haue recourse to this Colonie, for the Same againe. And this Assembly doe humbly pray his Excellencie Tho: Lord Culpeper his Majest^{ys} Lieut^{nt} and Governo^r Gen^l of Virginia, will please to transmitt this humble Address to his most Sacred Majesty and giue his Assistance in procuring his Majesties Speedie grant thereof. And as in duety bound they shall euer pray &c.

Signed by ord^r of y^e Councill

Nicco: Spencer Secretary

Signed by ord^r of y^e house of Burg^s

Tho: Ballard Speak^r

The question, Shall Coll Kendall haue fifty pounds & Coll Littleton thirty pounds Ster^t for their Negociation.

Resolu'd Each thirty pounds Ster^t

The Question. Shall any tobaccos be allow'd for claimes of Caske and not claimed before this day being too late according to the Order of the house and publique Notice giuen to bring all Claimes.

Resolu'd in the Negative.

The Question shall M^r James Turner be allowed the twenty pounds Ster^t Ordered him by the Comitte or Not.

Resolu'd in the affirmative.

The house adjournes vntill to morrow the 3^d Drumme.

Die Mars. the 29th of June. 1680.

THE house Mett & called Ouer

The Question is *Tindalls* point a fitt place for the State house or Not
Resolu'd in the Negative. 18. Yea's. 21. Noes.

The Report of the Comitte of Claimes, the Report of the Comitte for Examinaçon of Run-awayes Certificates, and the Report of the Comitte for Clerkes fees Sent to his Excellency and the Councill by Coll John Page, Major William Lloyd and Coll George Mason.

The house adjournes to the beat of Drum in the afternoone.

Post Merid.

THE house Mett & called Ouer

The Burgeses Nominate the places for the Townes in y^e Seu^l Counties
viz.

Henrico Countie. Att *Vienna*¹ where the Court house is.

Charles City Countie. Att *fflower de hundred* Ouer against *Swynyards*.

Surrey County. Att *Smiths ffort*

James City County, at *James City*

Isle of Wight County at *Patesfeild* at y^e parting of *Pagan* Creek

June

1. This should be, of course, *Varina*.

[In the original a space of about 3-4 of a page is left here.]

June y^e 28th 1680.

The Councell haueing considered the house of Burgeffes Propositions for Provifoes to his Majesties bill for the imposition of 2/^s p^r hh. &c. Doe Vnanimously consent to the same.

To the house of Burgeffes

Tes^t Henry Heartwell Cl Conf^d

Vpon the Petition of Coll Nathaniell Bacon Auditor It is Ordered that the Old ballances of *Richard Woodward* being thirty pounds fowre shillings and *John Knowles* being Seaven pounds fourteen shillings be discharged out of his booke as vnrecoverable and desperat debts.

Coll *Page*, Coll *Waters* & M^r *Minge* are by the house Sent to his Excellency to know his Excellencies pleasure whether the three bills Sent in by his Majesty shall be drawne in the same Style & words as they come in with the provifoes Annext Or in the vsuall Style of the former Lawes of this Countrey, and alsoe to take his Excellencies direction in the Stile of the other Lawes made this Asssembly.

They bring word they shall all be drawne in this Style, as well thofe bills Sent in by his Majesty, as all other made this Asssembly, to Say all in his Majesties Name &c.

The house adjournes to the 3^d Drum to Morrow Morning.

[No date is given in the copy.]

THE foure thousand pounds of tobb in Major *Isaac Allertons* hands is p^resented him by this house

A Conference is desired between the Councell & the Burgeffes about the Severall Reports of the Comitte of Grievances and the returnes thereon from his Excellency and the Councell, appointed thereto by the house.

Major *Isaac Allerton* Coll. *Math Kemp*. Coll. *John Page*. M^r *Charles Turner* M^r *Henry Mills*, Major *William Lloyd*. Major *Sam^l Swanne*. M^r *W^m ffitzhugh* Major *Charles Scarburgh*. Coll *W^m White*.

Coll. *W^m Waters* & Coll. *ffarrer* are appointed to acquaint his Lordshipp that the house desires Such Conference, and prayes his Excellencie to appoint the time and place.

The house adjournes to the beat of drum in the afternoone.

Post Merid.

THE house Mett, & called Ouer.

Coll *S^t Leiger Codd* for his departing from the Asssembly without leaue is fined by the house One hundred pounds of tobacco according to y^e Rules of the house

That part of a former Petition to his Majesty relateing to the Auditor^s Office is Ordered by the house to be drawne into a petition to be Sent to his Majesty for that purpose.

A Comitte appointed to draw vp Reasons to render to his Majesty for a Cessation.

Coll. *W^m Bird*. Coll. *John Carter*, Cap^t *John Langhorne* M^r *James Minge* Coll. *John Burnham*. Cap^t *Thomas Gouldman*. M^r *W^m Bolton* appointed Clerke.

June the 29th 1680.

By his Excellencie.

That being ready to Serue the Countrey and the house of Burgeffes the best I can in the buisiness of the Cessation according to their desire I would be glad to receiue their reasons to Offer to his Majesty & y^e Councell for the better effecting thereof.

Signed by his Excellencies Comands.

To the house of Burgeffes.

Hen: Heartwell Cl Gen^l Aff^mbly

The Petition of M^r *Joⁿ Quigley* for Eighty foot of the Countreys houses read in the house

Ordered

Ordered that he haue a grant for fifty yeares of the houfes petitioned for vpon Conditions that he beginnes to reparaire the fame within One yeare & finish the fame in two yeares and pay one Eare of Indian Corne annually for an Acknowledgment & constantly keep the fame in good reparaire, and Soe leaue them at the Expiration of y^e lease

The Report of the Committee appointed to draw vp reasons for a Cessation was read in the house viz—

The Cessation we thinke Necessary for those reasons following.

The great quantities of Tobacco made as well in this Colonie as in *Maryland* & other plantations of his Majesties Dominions & else where, hath rendred the price of this Comodity Soe low and despicable, that the great Industry of this Colonie being noe otherwayes employed is vtterly discouraged and the fruites of their labour in this behalfe not Suffitient to furnish them with cloathes to hyde their Nakedness.

That the incurfions of Indians and the late distractions hath been occasion that our Stockes of Cattle haue been destroyed and lessned the quantity of Provisions, Soe by this meanes our Endeavours may be applied that way to be able Comfortably to Supply our Selues in that kinde, and the other plantations that want the like Conveniencies.

If otherwaies in very few yeares we will be compel'd to leaue planting this Comodity for ever to the great prejudice of his Majesties Customes accruing therefrom, and this Colonie reduced to vtmost Extremitie.

That in this Vacancie we may be at leisure to put in Execution the present Act for Townes, Soe much desired and of soe great advantage to this poore Colonie.

These amongst many other are humbly reported.

The Report past the house and Sent to his Excellencie & the Councill by L^t Coll. *John West* & Cap^t *John Langhorne*.

The house adjournes vntill to morrow the 3^d Drum.

Die Jovis the p^{mo} July 1680.

THE house Mett & called over

The bill for Continueing the fforts read in the house and allow'd.

The house adjournes to the beat of Drum.

Post Merid.

THE house mett & called Ouer

A Committee Appointed to Examine y^e Bill drawne by Rob^t *Beuerley* Clerk concerning the Townes and make report thereof.

Major *Isaac Allerton*, Coll. *John Page*. Major *Charles Scarburgh* M^r *William Fitzhugh* & Coll. *William Waters*.

His Excellencie Sends word by M^r *Henry Heartwell* that he desires Some of the Gentlemen, w^{ch} were on the Committee of claimes may be Sent to meet foure of y^e Gent^{l^m} of the Councill, in a Conference about some things relateing to y^e reports of y^t Committee Appointed for this Conference.

Coll *Burnham* M^r *Minge*, Coll *George Mason*, Coll. W^m *White* Major *Anthony Lawson*, Major *Richard Whittaker* Cap^t *Gouldman* M^r *Taberer* & Coll. *Bird*

His Excellency Sends word to this house by Coll *Bacon* viz—That he hath taken care for the payment of his Majesties Soldiers q^tters in *Yorke* County, & *James City* Countie, which he must make payment of out of his owne Salaries.

His Excellencie Sends word by M^r *Heartwell* that he desires a Conference to morrow morning betwixt some of the Councill and Some of y^e Burgeffes about provideing provisions for the Soldiers at the fforts.

The

The house appoints, Coll. *Joⁿ Page*, Coll. *Kemp*, Coll. *Bird*, Coll. *Carter* Coll. *Burnham*, Coll. *White*, Major *Armisteed*, and Mr *Charles Turner* to returne his Excellencie the thanks of this house, for his Excellencies great care for payment of the Soldiers quarters in *Yorke & James Citty* Counties, and to acquaint his Excellencie that the same shall be fully Entred on the Journall.

*By the house of Burgeffes
To his Excellencie.*

That Seuerall of his Majesties Soldiers haueing for long time been quartered on the inhabitants of *James Citty* and *Yorke* Counties and their quarters not paid. And his Excellencie haueing Signified to this house that he hath taken care to pay the same out of his owne Salaries. This house thinke it their duety to returne his Excellencie there humble thanks for his Noble care therein.

The Question shall Coll. *Charles Morrison* be allowed ten pounds

Resolu'd in the Affirmatiue.

The Question, shall *Hugh Cambell* be allow'd fifty pounds or fforty pounds.

Resolu'd fforty pounds.

The Question shall Mr *Rowland Place* his claime of thirty Seaven pounds Nineteen shillings three pence, be allow'd Or not.

Resolu'd in the affirmatiue.

The Question. Shall there be a Generall Reference of all iust Claimes brought in to this Assembly (and not allow'd) to the next Session of Assembly and all other claimes not brought to this Assembly to be for ever barred

Resolu'd in the affirmatiue.

The Question, Shall the Report of the Committee in Coll *Potters* claime about freight for Gunnes &c. be confirm'd Or not.

Resolu'd in the affirmatiue.

Mr^s *Diggs* her claime for Corne is allow'd by the house according to the Committee's Report fifteen hundred & fforty pounds of tobacco.

The Report of the Committee, for Cap^t *Richard Taylor's* pay is confirm'd by the house.

Ordered That the Clerk of the Assembly deliver into Mr *Secretaries* office One of the largest bookes of the Lawes.

The Question. Shall Mr *Henry Heartwell* as Clerk of the Gen^l Assembly haue Eight thousand pounds of tobacco, or fife thousand pounds of tobacco.

Resolu'd fife thousand pounds of Tobacco.

The house adjournes vntill to morrow the 3^d Drum

Die Ven y^e 2^d of July. 1680.

THE house Mett and called Over.

July y^e 1st 1680

To his Excellencie.

By the house of Burgeffes.

It is humbly Presented.

That Severall of his Majesties Soldiers haueing for long time been quartered on the inhabitants of *James Citty* and *Yorke* Counties and their quarters not paid. And yo^r Excellencie haueing Signified to this house that you haue taken care to pay the Same out of yo^r Excellencies Salaries The house doe thinke it their duety to returne yo^r Excellencie their humble thanks for yo^r Noble care therein.

The aboue acknowledgm^t Sent back and another Sent to his Excellencie as appears hereafter in the Journall.

The bill Intituled *an A^t for Cohabitation and encouragement for trade and Manufacture* read in the house and allow'd and Ordered to be Sent to his Excellencie and the Councell for allowance & approbacon

The

The Gentlemen appointed for the presenting the bill and for returning his Excellency thanks for his care for paying the Soldiers quarters in *James Citty* County & *Yorke* Countie, & to Signifie to his Excellencie that Some Gentlemen of the house will Spedily waite vpon the Gentlemen of the Councell at the Conference are.

L^t Coll. *West*, Cap^t *Goldman*, M^r *Preffly*, M^r *Turner*.

The Gentlemen appointed for the conference about Soldiers provisions are

Coll. *Page*. Coll. *Bird*. Major *Lloyd*. M^r *Harrison*. Major *Allerton*. Major *Swanne*. M^r *ffitzhugh*. Major *Scarburgh*.

The Gentlemen returne from the Conference.

They Report to the house, that the Councell propose that the Charge accruing for Maintenance of the Soldiers and Garrisons now Etablised by a Law needs not of its Selfe occasion the charge of calling an Asssembly to lay a levie to defray the same, and that therefore the house will now propose the convenientest way how the charge thereof shall best be defrayed without calling anoy^r Asssembly.

A Comitte appointed to make Computation of the Charge of the Garrisons for one yeare.

Coll. *Jo^s Page*, Coll. *W^m White*, L^t Coll. *John West* M^r *James Minge*.

The house adjournes to the beat of drumme.

Post Merid.

THE house Mett & called over.

A Comitte appointed to Examine M^r Auditor^s Acco^{ts} of y^e 2/^s p^hh.

And that relateing to the fifty p^h poll. Coll. *John Page*. Coll. *Math. Kemp*.

Major *Sam^l Swanne* Coll. *John Carter* L^t Coll. *John Burnham*.

A Comitte appointed to proporcon the levie.

Major *Isaac Allerton*. Coll. *George Mason*. Major *Charles Scarburgh* Coll. *W^m White*. M^r *James Minge*.

Robert Beverley Clerk to this Comitte.

The Comitte for Computacon of the charge of the Garrison Report to the house that the charge will be forty seven p^h poli and that there will be. 13929 lb^s of tobacco, in deposito.

The Report it Selfe Sent to his Excellencie & the Councell by [Name omitted.]

The bill for the Continuation of the Garrisons Sent to his Excellencie & the Councell by [Name omitted.]

July y^e 2^d 1680.

To his Excellencie.

By the house of Burgeffes.

This house Signifie to yo^r Excellencie that there is allow'd to M^r *Hen: Heartwell* by the Comitte in full of his Acco^t for pub^l buifness five thousand pounds of tobacco and Caske, And vpon the Motion from the hono^rble Councell this house haue voted him five thousand pounds of tobacco & Caske more for Services done for the Countrey this present Session of Asssembly, to which Sumes they humbly pray yo^r Excellencies Assent.

Tes^s RB Cl Ass^{mbly}

Sent by Cap^t *Gouldman*. D^r *Spiers* and M^r *Preffly*.

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July the 2^d 1680.

To his Excellencie.

By the house of Burgeffes.

It is humbly Presented.

That Severall of his Majesties Soldiers haueing for long time been quartered on the Inhabitants of *James Citty* and *Yorke* Counties and their quarters not paid. And yo^r Excellencie haueing Signified to this house by M^r Auditor *Bacon* the great care you haue taken with him for the Spedy Satisfaction thereof, who hath vndertaken immediately

to

to discharge the Same, This house in all humillity returne their hearty thanks to his most Sacred Majesty, and desire yo^r Excellencie to signifie the same to his most Sacred Majesty.

Vpon the debate in the house about allowances to M^r W^m Sheerwood and M^r Thomas Rabley. It is *Ordered* to be Entred On the Journall, that in confideracon of the building one New Sixty foot house twenty foot wide One New twenty foot Square house *English* frame vnder pinned with brick, flowr'd with Sawen boards, fil'd on y^e inside & Sealed and double covered, alfoe one house Sixty foot long New Covered, all at the Countreys charge, which with the Rent of 8000 pounds of tobacco being 2000 *ᵘ* ann. next Lady day, this house adjudges Suffitient allowance & Satisfaction.

The house adjournes to the third drum to morrow morning

Die Saturⁿ y^e 3^d July. 1680.

THE house Mett & called over

Severall bills for Lawes read in the house and allow'd and *Ordered* to be Sent to his Excellencie and the Councell.

Sent by Cap^t Langhorne, and Cap^t Gouldman.

The Question. Whether vpon the propofalls from his Excellencie and the Councell relateing to M^r Heartwells paines and care this Affsembly, there shall be allow'd him fifteen thoufand, or tenn thoufand pounds of tobacco.

Refolu'd by the Major Votes that he haue ten thoufand pounds of tobacco in the whole for his said paines and care this Affsembly, but that this shall not be drawne into preſident.

By his Excellencie

I conceiue my Selfe and the Councell, haue had very ſmall attendance this Affsembly, but by *Henry Heartwell* who hath taken a great deale of paines and care, and therefore I concurre with the Councell that he ought to be allowed fifteen thoufand pounds of Tobacco for thoſe Services.

July y^e 2^d 1680

Tho: Culpeper.

To the house of Burgeſſes.

To his Excellencie.

July the 3^d 1680.

By the house of Burgeſſes

It is Signified. That the Question in this house being Whether M^r *Henry Heartwell* for his paines and care this Affsembly, shall be allowed fifteen thoufand, or ten thoufand pounds of Tobacco. It is the *Refolue* of this house by Majority of Voyces that he be allow'd ten thoufand pounds of tobacco, and this house humbly pray yo^r Excellencie that it may be accepted and that it be not drawne into preſident.

Signed by Order of the house.

Tho: Ballard Speaker.

Sent by Cap^t Langhorne & Cap^t Gouldman.

The house adjournes to the beat of Drum.

Post Merid.

THE house Mett & called Ouer

The Question. Whether for the future ten out of the hundred or tenn aboue the hundred shall be deducted in the Collecto^rs acco^{ts} for their Salaries.

Coll. W^m Kendall being admitted into the house returnes thanks for the acceptance of his Services in his Agency and acco^{ts} brought to them which is accepted by the house and he made acquainted therewith by M^r Speaker.

By his Excellencie.

Although I thinke *Henry Heartwell* hath deferued more then ten thoufand pounds of tobacco, yet I acquieſs in it hoping the house of Burgeſſies will conſider him another time.

The

The case of M^r *Cadwallader Jones* is distinguishable from others by the good & Extraordinary Services he hath done and therefore hope the house of Burgeses will consider him another time.

As to the buisness of M^r *Potter*, my Selfe and the Councell desire to be Satisfied how his claime is made out vpon Oath.

July the 3^d 1680

Tho: Culpeper

To the House of Burgeses.

As to the Act Intituled *an Act prohibiteing the transportation of English moneys and forreigne Coynes &c. and Setting a Valuation thereon* His Excellencie and the Councell doe persist in their former Opinion; that the best way of doing it is by addrets to his Majesty.

3^d July 1680.

Hen Heartwell Cl Gen^l Ass^{es}

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July the 3^d 1680.

To his Excellencie.

By the house of Burgeses.

This house in all humillity Signifie to yo^r Excellencie that they haue considered yo^r Lordships Intimacon of Seuerall disbursements made by yo^r Lordship in *England* for and on behalfe of this Colonie, and doe most readily & thankfully accept yo^r Excellencies offer for reimbursment thereof and accordingly haue Ordered that M^r Auditor *Bacon* out of the first moneys which shall come to his hands from the impost of 2/^s 7^d hh. doe pay yo^r Excellencie the Summe of one hundred and fifty pounds *Ster^l* which Summe yo^r Lordship is pleased to Signifie yo^r acceptance of for greater disbursements.

And this house being fully assured and deeply Sencible of the great favours this Countrey hath receiued by yo^r Excellencies vnwearied endeavours for the good thereof and which they rejoyce in beleueing they shall dayly receive by yo^r Excellencies Government, doe most earnestly and humbly pray yo^r Excellency will accept as a thankfull offer of their due acknowledgment, five hundred pounds *Ster^l* w^{ch} they alsoe haue Ordered M^r Auditor *Bacon* to pay to yo^r Excellencie out of the moneys which shall be raised by the impost of 2/^s 7^d hh. as the same shall come to his hands. It being an offering (though farre vnworthy yo^r Excellencies acceptance yett) agreeing with the low condition of this poore Countrey.

Signed by Order of the house.

Tho: Ballard Speaker

The house appoint, M^r *Speaker*. Coll. *Page*. Coll. *Kemp*. Coll. *Waters* Coll. *Carter*. Coll. *Pierce* Major *Scarburgh* & Coll. *Bird* to waite on his Excellencie with the Order of the house aboue written.

They bring back word, that his Excellencie hath rec^d the paper, which he will peruse, and returne answer to the house on *Munday* morning

The house adjournes 'till *Munday* morning the 3^d Drum.

Die Luna the 5th of July. 1680.

THE house mett & called Over.

Ordered that the Clayme of Coll. *Milner*, as it was passed this Assembly in the Comitte be allow'd and paid him out of the tobaccoes deposited last Assembly in M^r *Breffiers* hands in *Nantzmond* County.

Seuerall bills for Lawes and Orders read in the house and Ordered to be Sent to his Excellencie and the Councell for perusall and allowance.

Coll *John Page* acquaints this house that he hath in his hands 2700 lb^s of the Countreys tobacco, to Say 1500 for ffort goods, and 1200 for Countrey boards.

The bills for Lawes and Orders Sent by L^t Coll *West* & M^r *Abr: Weekes*.

The house adjournes to beat of Drumme.

Post

Post Merid.

THE house Mett and called Ouer.

A Comitte appointed for proporconing the Tobaccoes to be leviéd Next yeare for defraying the Charge of the Garrifons. Major *W^m Lloyd*. Major *Anth. Lawson*, Cap^t *James Bifs* Mr *Tho: Gouldman* Mr *Robert Bradley* is appointed Clerke.

L^t Coll. *John West* and Cap^t *Mills* are Sent by the house to acquaint his Excellency that there are Severall Addressses to be drawne to his Majesty, and this house humbly pray his Excellency will please to appoint Mr *Secretary* or whom elce he shall thinke fitt to draw the same in Order to dispatch of this Affembles buisiness.

They bring answer that his Excellencie will take care to haue them done.

The house adjournes to beat of drum.

Same day the house Mett & called ouer

July the 5th 1680

By his Excellencie

Coll *Phillip Ludwell* and Major *Richard Lee* are by his Excellencie appointed to be of a Comitte for the drawing the Severall addressses to his Majesty to joyne with such persons as the house shall appoint for that purpose and to meet immediately at Mr *Sheerwoods*.

Signed by his Excellencies Comands

To the house of Burgeffes

Hen: Heartwell Cl. Gen^l Aff^mbly

80

July y^e 5th 1680

By the house of Burgeffes.

Coll. *John Page*, Coll. *William Bird* and Coll. *John Carter* are appointed to joyne with the Gentlemen of the Councell appointed by his Excellency in a Comitte for the drawing the Severall Addressses to his Majesty.

The house adjournes vntill to morrow the 3d Drum.

Die Mars. the 6th of July. 1680.

THE house Mett and called over

The Petition of *Hugh Owen* and *Robert Perry* read in the house. And the Question put Whether any thing shall be allowed or not.

Resolu'd in the Negative.

The house adjournes to the beat of Drum.

Post Merid.

THE house Mett and called Over

The Petition of *George Lee* read in the house, in those following words

To his Excellencie &c.

George Lee.

Humbly Sheweth. That Whereas there is the ruines of two brick houses burnt in the late Rebellion [The rest of the petition omitted.]

The 6th of July 1680

This petition is refer'd to the house of Burgeffes but its the Opinion of his Excellencie & the Councell that Coll. *Nath^l Bacon* may haue one of the houses on the same tearmes. The house Coll *Bacon* desires is the same which did belong to Mr *Auborne*.

Hen: Heartwell Cl Gen^l Aff^mbly

Major *Scarburgh* Coll. *West* Major *Swanne* & Coll *Geo: Mason* are Sent by the house to acquaint his Excellencie, that the Lawes and other p^rceedings of the house are ready
for

for reading when his Excellencie pleases to comānd & alſoe to acquaint his Excellencie that this houſe deſires his Excellencies aſſent to M^r *George Lee* his Petition.

They returne and bring anſwer that his Excellency will Spedily Send to the houſe and that his Excellency & the Councell thinke that there is more reaſon that *Coli. Bacon* haue the houſe, then M^r *Lee* as being more likely Spedily to build it.

His Excellencie Sends by M^r *Heartwell* for the Acts of Affembly & pub^l orders to be brought by this Clerke to him, that he may read & ſuſe them before Signeing. The Clerke is *Ordered* to carry them to his Excellencie, & forthwith goes.

The houſe adjournes vntill tomorrow morning the 3^d Drumme.

Die Merc. the 7th of July, 1680.

THE houſe Mett & called Ouer

*July the 7th 1680. To his Excellencie,
By the houſe of Burgeſſes*

This houſe Signifie to yo^r Excellencie that they haue Ordered the Articles in M^r *Auditor* acco^t dated *June* the 21st 1680. to be Expreſſed & written. *viz*

To his Excellencie *Tho: Lord Culpeper* &c. as Governo^r from the 25th of *March* 1679 to the 25th of *March*, 1680. vpon acco^t of Salaries, Twelue hundred pounds *Sterling*.

To his Excellencie *Tho: Lord Culpeper* for Salaries as Governo^r from the 25th of *March*. 1680. to the 11th of *July* Next, being the Compleat end of his third yeares Governm^t is 3 1-2 Moneths at twelve hundred pounds ꝑ an: three hundred and fifty pounds.

And this houſe alſoe hereby intimate to yo^r Excellencie that they acco^t noe more then One thouſand pounds ꝑ añ: due from the Countrey for the Governo^r Salary, and that for as much as it hath been heretofore vſuall, añually to pay the former Governo^r two hundred pounds more as a gratuity from the Countrey Soe they moſt readily & willingly continue the Same to yo^r Excellencie, And humbly pray yo^r Excellencie will pleaſe Soe to accept the ſame.

The aboue Addreſs *Reſolu'd* Not to be Sent to his Excellencie

The Addreſs from the houſe about a Ceſſation &c. Sent to his Excellencie and the Councell by Coll. *W^m White* & M^r *Minge*.

The houſe adjournes to beat of Drumme.

THE houſe Mett

They repaire to the Governo^r & Councell in the Court houſe.

The Lawes and Orders are read. & Subſcribed by his Excellencie & M^r *Speaker*

His Excellencie adjournes the Affembly to the 15th day of *ſebb*: Next.

[With the copy of the Journal of the House of Burgeses for 1680 there were sent to England copies of the following papers: Address of the House of Burgeses dated June 9, 1680, to Lord Culpeper desiring that Mr. Robert Beverley be appointed clerk of the House, with Minute of the Council of the same date endorsing the request of the House; Petition of the General Assembly of Virginia to the king; Address of the General Assembly to the king; and a part of the Return of the Council to the Report of the Committee of Grievances. These papers follow in the order given.]

To his Excellencie Thomas Lord Culpeper Baron of Thorfway his Majesties Lieu^t & Gouvernor Gen^l of Virginia.

The house of Burgeses, most humbly Present.

THAT for many yeares past they haue been well knowing and Sensibly experienced of the great faithfulness and ready abillities of *Robert Beverley* their Clerke in the due Execution of that part of the Services of this house, and to the great dispatch thereof, for which reason together with the most Signall demonstrations of his Loyalty to his Majesty & good Services to this his Colonie, This house doe most humbly pray yo^r Excellencies approbation and allowance that he may be continued therein, It being their Vnanimous Choyce, And that yo^r Excellency will Command his being forthwith Sworne to the Execution of that Office by those most worthy Gentlemen of the Councell now appointed to Sweare y^e Respectiue Burgeses.

And as in duety bound they shall ever pray &c.

Signed by Order of the house of Burgeses

Thomas Ballard Speaker.

ffrom the house of Burgeses
Conven'd at *James Citty* y^e
9th of June 1680.

At A Councell held at *James Citty*,
June y^e 9th 1680

Present

Sr Henry Chicheley Lieu^t Governo^r

Coll. *Nicolas Spencer*

Coll. *Jos^{ph} Bridger*

Coll. *Nath^l Bacon*

Coll. *Ralph Wormley*

Coll. *Robert Smith.*

Coll. *John Custis.*

Coll. *W^m Cole.*

Majo^r *Richard Lee*

Coll. *Augustine Warner*

Thomas Swanne Esq^r

Vpon the Address of the house of Burgeses to his Excellencie desiring M^r *Robert Beverley* to be continued their Clerk the whole Councell by his Majesty appointed for this Colonie, doe declare that vpon their well knowing of M^r *Beverley* they are fully Satisfied his integritie, abillity and Loyalty deserues the Character the house of Burgeses haue represented him vnder, and are of Opinion it will be for his Majesties and this Colonies Service that he be by his Excellencie accordingly admitted to the Execution of that place.

To the Kings most Excellent Majesty.

The humble Petition of the Gen^l Assembly of Virginia.

Sheweth.

That yo^r Petitioners haue with their hearty thanks Embraced yo^r Majest^{ies} Act of free and Gen^l pardon and Oblivion. And passed the Second Act of Naturalization. That they haue with the like Zeale for yo^r Majesties Service with all Alacrity passed the other Act of yo^r Majesty Intituled *an Act for raiseing a pub^l Revenue for the better Support of the Govern^{mt} of this yo^r Majesties Colonie of Virg^{na}* wth such Necessary & important provisos as to yo^r Majest^{ies} Gen^l Ass^{embly} here seemed by the said Act intended,

and

and moſt conducing to yo^r Majeſties Service and welfare of this yo^r Countrey. And we humbly beſeech yo^r Majeſty that the ſaid A^ct of indemnity the A^ct for Naturalization, and the A^ct for raiſeing a pub^l Revenue &c with the proviſoes there mentioned may be confirmed by yo^r Majeſty^s Royall Affent. And yo^r Gen^l Affembly doth further Reſent to yo^r Majeſty that is abſolutely neceſſary for yo^r Service and the welfare of this yo^r Colonie, that the office of Auditor of this Colonie being a place of the greateſt truſt and conſequence ſhould be Executed by Some deſerving perſon reſiding here, in whole fidelitty & Condu^ct this Countrey may be Satisfied and noe other. And having been informed by his Excellency of a grant Surreptitiouſly obtained from yo^r Majeſty, of that place by one M^r *Robert Ayleway* which would have been ruinous to this yo^r Colonie, and which by his Lordſ^ſ application to yo^r Majeſty was rejected and lay'd aſide to our great content and for which we returne yo^r Majeſty our moſt humble thanks. For the prevention thereof for the future, and that yo^r Majeſty may be freed from the like importunity and None but fitt perſons may Execute the Same in whom yo^r Majeſties Colonie may have full aſſurance, and of whom by reaſon of the diſtance of the place yo^r Lieut^{nt} and Governo^r here is the beſt judge. Yo^r Gen^l Affembly doth humbly Supplicate yo^r Majeſty that the ſaid Auditor may be firſt recommended to yo^r Majeſty by yo^r ſaid Lieut^{nt} and Governo^r Gen^l as formerly, out of ſome of the fitteſt P^{er}ſons then reſiding in this Colonie for that great truſt and Noe others and afterwards confirmed by yo^r Majeſty in Such māner as hath hitherto been practized. And leaſt we ſhould Seem guilty of a Great omiſſion in point of duty we beſeech yo^r Majeſty to accept our thanks for diſmiſſing the Petition of M^r *Tho: Sands* being highly Senſible how great a defalcation the grant of it would have made in that ſmall Revenue raiſed for the Support of yo^r Majeſties Government here, and for the gracious conceſſion that the Governo^r for the time being ſhould be acquainted for the future with all matters relating to this your Dominion, And alſoe an Order as favourable and advantageous to our peace againſt the importa^con of the *Scotch* Convicts.

That God almighty will grant yo^r Majeſty yo^r hearts deſire here and hereafter is the conſtant prayers of

Your Majeſties moſt Loyall and moſt dutifull Subjects.

Tho: Culpeper

Tho: Ballard Speaker.

To the Kings moſt Excellent Majeſtie.

The humble Addreſs of the Councell and Burgeſſes of this Gen^l Affembly in this yo^r Majeſties Dominion of Virginia.

Humbly Reſenting

That the great quantities of our only Comodity tobaccos, made here in *Maryland* and other yo^r Majeſties plantations hath brought the price thereof Soe low, and thereby our Neceſſities Soe great that without applying Some Spedy remedie for redreſs thereof yo^r poore diſtreſſed Subjects here caⁿot much longer Subſiſt. And after due conſideration had of all wayes and meanes whereby we might releiue and eaſe o^r ſelves from this great preſſure and affliction we at preſent lye vnder can finde none probable or likely but a Totall Seſſation from planting tobaccos this Next yeare which will abate the quantitie, and advance the comodity and alſoe for the future preferue yo^r Majeſties Cuſtomes which muſt neceſſarily abate if we be throwne vpon the Neceſſity of leauing it of our ſelves. Wee therefore humbly pray yo^r Majeſty will be gratiouſly pleaſed by yo^r Royall proclama^con to enjoyne a totall Seſſation from planting tobacco in this Countrey, *Maryland & Carolina* this Next yeare 1681. And that we may better hope

to

to obtaine, we haue humbly intreated his Excellencie *Tho: Lord Culpeper* yo^r Majest^{ies} Lieut^{nt} & Governo^r Gen^l here, to present this our humble addrefs, and withall to represent to yo^r Majesty the great distrefs we lye vnder for the want thereof and the advantages we shall necessarily gaine thereby by advancement of our Stockes of Cattle &c. And the reduceing vs to Townes which this Vacancie from planting will vndoubtedly help forward, the Method and maⁿier thereof we humbly present to yo^r Majesty by a bill to w^{ch} we humbly Supplicate your Majesties Royall Assent and confirmation, Not doubting but yo^r Majesty who from time to time has encouraged vs therevnto, will out of yo^r Royall Clemencie encourage vs therein by granting the inhabitants there some imunities, though to a small dimunition of yo^r Owne Treasure

Wee therefore humbly implore you will be gratiouly pleased to Remitt the one penie ꝑ pound to all that shall Constantly and actually inhabite in any of the Said Townes Shipping of their Owne proper Tobaccos from thence to any yo^r Majesties plantations and One halfe penie ꝑ pound out of yo^r Customes to such inhabitants Shipping tobacco and Sending it to any yo^r Majesties ports in *England, Wales* or Towne of *Berwick vpon Tweed*, which imunities granted for Seaven yeares will sufficiently replenish the Townes with many and Opulent Inhabitants, the true representation whereof we hope his Excellencie yo^r Majesties Governo^r Gen^l will Send to yo^r Majesty and Supplicate yo^r Majesty on our behalues.

And for the better advance of Trade and Cohabitation, we humbly pray yo^r Majesty will be gratiouly pleas'd to giue your Royall assent that it may be Lawfull for vs to inhance 25. ꝑ Cent. vpon yo^r Majesties and all forreigne Coines imported hither, over and aboue there Currant Value, with a prohibition for the Exportacon thereof vpon Such Severe penalties as shall be agreed on by the Gen^l Assembly the imposit of two shillings ꝑ hoghead and Castle dueties &c being paid in monies *Ster^l* as formerly.

Our Necessities haue already forced vs to trouble yo^r Majesty with soe many and Soe great addresses, and petitions, that we are almost ashamed to make our last addrefs, which is to begg yo^r Majesties pardon for y^e former.

Your Majest^{ies} long happie and prosperous Reigne here and an Eternall Crowne hereafter, is the dayly prayers of Yo^r Majesties most loyall and obedient Subjects

Signed by Order of y^e Councill

Nicco: Spencer Secretary

Tho: Ballard Speaker

The Councill and Burgeses of this Gen^l Assembly in Concurring with his Excellencies Speech in demonstrating the Estate of affaires in Relation to the Indians and other things therein contained. doe present These following reasons.

ffirst they are grounded vpon the late unhappie tumults Stirred vp by *Bacon* and his Complices, wherein the private concernes of many of the most considerable Estates in the Countrey were almost ruined, thereby depressing the flourishing and prosperous Estate of the publique Weall which consists in the happiness of its individualls, as the whole doth of its parts.

Secondly this contracted great debts to the Pub^l Necessity Compelling that Excellent and well deseruing Governo^r *S^r W^m Berkeley* and those who loyally adhered to him to giue large Credits and larger promisses to Such as would help towards the restauration of the Countrey to his Majesties Obedience, and those debts thus contracted grew to Soe great a Magnitude (though great and almost vnjust abatements were made to mens claymes in two Assemblies Succeeding those troubles, and great Sumes of money and tobacco were paid to diuers credit^{ors}) yet were those Assemblies constrained to adjourne many more claymes to be regulated and discharged by the Succeeding which Now falls to the Lott of this present Session accompanied with many more accruing due by New disturbances made by the Indians Swollen to the greater Magnitude by the inevitable delay of laying the pub^l leuie, for though by his Majest^{ies} Com^{and}, Peace was made with y^e Neighbour Indians, yet according to the faithles

and

and Savage Nature of those people the Countrey was but ill assured thereby, many Murthers and depredations haueing been done vpon his Majest^s Subjects Since the peace was made, this Expofed the Countrey to finde out New wayes for its Security and that againe contracted great Expence, viz. the Erecting of Garrisons at or Neer the heads of the great Riuers besides guards in other places of knowne danger for prevention of the Sudden and Sculking incurfions of the ill affured Neighbour Or pretended forreigne Indians.

Thirdly the Sending of Agents for *New York* (by the Affiftance of S^r *Edm^d Androfs* to make peace with the *Seneca's*, a farre distant and remote Nation, who in their Excurfions from their cold, Barren, & Rockie Countrey & Soyle, into a Climate more happy & defireable haue infested the ffrontiers of this Countrey & done many Murthers, and depredations, whether induced by the Neighbor Indians in amity with vs, or moued by the prospect of its p^rsent weake and indefencible māner of habitation is not yet refolued though with good reason both to be Suspected, Since by the report of the retreiued Captiues, Some of them haue been feen to be amongst them. These things haue been & ftill are y^e caufes of great leuies & Expences to this Countrey, indeed greater then its p^rsent deprefsed condition can well beare, did not the moft Necessary defence of this his Majest^s once flourishing Countrey Moft absolutely require it. And as euill accidents are Seldome without their Concomitants, Soe the low price & Value of its Only Manufacture tobacco doth agravate & heighten its Mifery, for though by Gods bleffing there is fuch plentie of it as might well Support every man in his private capacitie, and enable him to contribute liberally to the pub^l whereby good Stypends might be giuen to those in Military imployments &c. for the defence of the Countrey, yet Such is the vn happiness of it that it will Not Supply the Soldiers with cloathes for their Wages, Nor armes and a^munition for the Service they are in, Neither can the Countrey hope for any redrefs in this their deplorable Eftate, vnless by his Majesties Moft Sacred Authority the great quantities of y^e Specie (by Some Expedient Moft agreeable to his wifdome) be abated

[A small space left here in original.]

Here followes part of the returne of y^e Councell to y^e Reports of the Co^mitte of Grievances.

Vpon the Second part of the first propofition of *Lancast^r* and other Counties propofitions concerning the Governo^r and Councell laying a pub^l Levie of twenty pounds p^r poll His Excellencie and the Councell are Vnanimoufly of Opinion that it would be for the ease of the Charge of y^e Countrey according to the Directions of a former Act in that cafe made and provided, acco^t thereof being giuen to the next Gen^r^l Affembly

To the 7th propofition of *York* County, about Cask. His Excellencie and Councell agrees with the Report of the Co^mitte but there being Noe directions about the weight of each Caske, that it be provided that if the Receiuer of tobacco doe Not agree to y^e tare of the hogfheads, the tobacco to be vncafed & y^e hogfh^ds weighed & allowance to be made accordingly.

[Speech made by Lord *Culpeper* to the General Affembly, June 9, 1680. From the Public Record Office, London, Colonial Office, Clafs 5, Vol. 1376.]

Gentl

It is now almoft three yeares Since it first pleased his Ma^{ty} Vpon y^e death of S^r *W^m Berkeley* to Comiffionate me his Leiv^t & Gouno^r Genn^l of this his great & moft Considerable Colony though to me y^e time hath feemed much Longer, haueing been Contrary to my Inclina^ons detained from you on other services by y^e Kings Exprefs Comands for Nothing Less should haue hindered me, Besides y^e difadvantage of fucceeding fuch a perfon, I am fully fencible of my weakenes to vndergo fo great a weight but as during my abfence in *Engl^d* I haue not bin Totally vn serviceable to you So I fhall alwayes Continue my vtmoft endeavo^rs for y^r welfare not onely by hindering oppreffions, Afferting
y^e

y^e Liberties & distributeing Equall and Speedy Justice but by Improveing to y^e Vtmost all opportunities that may Contribute to y^r prosperity The Effect of w^{ch} you shall rather finde deeds then any more words on that Subject—

Had not my owne desires prompted me to begin a Speedy Acquaintance and Correspondency wth you y^e Kings Comands of giueing him a full State and Informaçon of this his Countrey, w^{ch} Can by no meanes be so well don as by a Genn^l Assembly would haue obliged me to Call it, but besides those Implications I haue his particular Comands to tender you y^e three Acts following w^{ch} vpon mature Consideraçon wth y^e Advice of y^r privy Councell, he hath sent you by me vnder y^e great seale of *England* wth full power to giue y^e Royall Assent to them, By y^e first Intituled *an act of ffree & Genn^l Pardon Indempnity & oblivion* his ma^{ty} hath pardoned all persons wh'tev' Except *Bacon* y^t died & *Lawrence* y^t fled away & such as were Condemned by Legall Juries, by w^{ch} meanes onely Estates are forfeitable wth an Exclusion of Some few Ringleaders from Publiq, Employments, To w^{ch} is anexed a Clause to Confirme Judiciall ꝑceedings & another to p^rvent y^e Licencious defamaçon of y^e Gounmt & magistracy I shall Add nothing to it but onely Informe you that as his ma^{ty} hath forgot it himself, he doth Expect this to be y^e Last time of y^r Remembring y^e Late Rebellion & that he shall Look vpon them to be ill men that shall Rub y^e Sore by vseing any future Reproches or termes of distinctions wh'tev' this I hope will Intice those Cheifely Concerned therein to vse their vtmost Indeavo^r to Expresse their Gratitude by their futur Comportm^t & all of you to Recouer y^r favo^rable Impression in y^e mind of y^e best of Kings, w^{ch} y^r vnspotted Loyalty in y^e time of y^e Epedemicall Rebellion in *England* & y^r late submissiõ to y^e then vsurped powers (y^e Last of all his dominions) had Justly Acquired to this Colony The second is an Act for Naturalizaçon to Invite persons to Come to this place by makeing y^e Same as Ready & Easy as is Possibile to w^{ch} is Added a Clause to Confirme such bad Titles as in y^e nonage of this Colony Could not be prevented & w^{ch} Can'ot but be very vsfull to you The third is an addiçonall act about y^e two shill^s ꝑ hhd & c^a w^{ch} must necessarily Improve y^r Reuenue by p^rventing fraudes & abufes in y^e paym^t thereof.

I am further Expressly Comanded to Acquaint you that his ma^{ty} haueing in Councell Concluded on y^e Neecessity of haueing one or more Townes in y^t Country (w^{thout} w^{ch} no oth^r naçon ev^r begun a plantaçon, or any yet thrived as it ought) & observed y^t all other meanes haue bin vnëssessfull, hath in ord^r therevnto Resolued as soone as Storehoufes & Conveñeys Can be provided to prohibite shippis tradeing here to Load or vnload but at Certaine fixed places to be appointed vnder Neecessary Penalties in y^e denominaçon whereof & all other Circumstances y^t may make y^e thing practicab^le, He thinks fit to take his measures by advice from hence—He doubts not but in a matter of such Consequence sev^l difficulties will occurr & as Little but y^t on due Examinaçon they will be Remedied

In y^e Last place I am ord^d to acquaint You wth his ma^{ties} Ler' to me (w^{ch} wth y^e acts shall be forthwith sent you) by w^{ch} you will finde Care had been taken before y^e Adresse Last yeare for y^e paym^t of y^e Quart^{rs} & Soldiers till y^e first of *July* Last for y^e punctuall Execuçon whereof I haue Employed two Considerable Justices (& now members of y^e Assembly) to Adjust acco^{ts} between Landlord & foldier vpon whose Return some time this weeke y^e mony shall be paid I haue also repayed to m^r Aud^r *Bacon* those sum^s he advanced To y^e Guñers in their need & haue also paid their Quarters due any where in the Country amounting to a Considerable Sum (& dismissed them y^e service being absolute necessary to prevent y^e growing Charge to his mai^{ty}) but y^e doing of that hath disenabled me for y^e present to pay y^e Arrears due in *Nanzemond* & y^e *Isle of Wight* Counties, but in *may* next, I will see y^e Country paid out of my owne Sallary in Case by any Accident y^e Com^{rs} of y^e Treasury should faile therein you will by y^e sd Letter ꝑceiued (notwithstanding y^e Return & opinion of som persons to y^e Contrary) his ma^{ties} Gratiuous Resolution, on my Representaçon of paying his forces himselfe out of his owne purse from time to time without Expecting any thing from hence but Credit for Quarters at 0.2.0 ꝑ weeke to be paid at ev^y Yeares End & yet in that Case to I shall ease You of one halfe

halfe for I will pay y^e Quarters of my owne Company punctually my self, The other part of y^e Letter Concernes y^e Quit rents, w^{ch} I had also long since represented vnto his ma^{ty} wherein as soon as he shall be fully Informed of y^e state you are in, & Your Readines & Cheerfulnes for his service & y^r owne good

I doubt Not but such meafures will be taken both for y^e past & future as wilbe Satisfactory to all Interefts (that I haue therein shall never stand in Competition to yours) & Conduce to his ma^{ties} service, & y^e good of this Colony, To w^{ch} my vtmost Indeavours shalbe alwaies Ready

I would be glad to be fully Informed of y^e state of Affaires in Relaçon to y^e Indians, to severall of whom on y^e Return of *S^r John Berry* & *Coll Moryson* I am to deliver presents from his ma^{ty} I haue form^{ly} vnderstood it would be for Y^r Service to Lay open y^e Trade with them, if you find it so I shall most Readily Concurr, for tis my Refolution to do all things may be for y^e publiq³ good—without Considering any private Int'rest & therefore I Leave it to yo^r serious Consideraçon

If you haue any greivancies, you Can'ot haue a better time to offer them, all in my power shall be forthwith Effectually Remedyed on y^e place, & if there be any of a higher nature You may Assure your selves of his ma^{ties} gracious disposition to do y^e like

I hope in this present Cheapnes of Tobacco, you are not vnprovided of some propofalls for y^e good of y^e Country, tis a thing I am not yet recent in, & I am sure deserves Your most Serious Consideraçon.

Laftly I Require you to be very Exact in stateing y^e publiq³ debts & to take Notice Your selves & so informe Y^r Respective Counties, y^t y^e present Levies are for past vses, & if you please from hence forth to draw a Line, I shall take Care y^t no Vnecessary charge shalbe vndertaken nor no necessary one but wth y^e Least Expence, for some meanes must be vsed to moderate y^e Excessive Levys by Tithables

I haue now nothing more but to desire your Speedy Resoluçons, & to Consider y^t I am bound vp by Instruçons on Report of y^e Late Com^{rs} to Admitt you to sitt but few dayes, & since y^e *Oxford* fregate hath staid so long I would be willing to giue his ma^{ty} an account by y^e Cap^t thereof of y^e Comands he sent you, for y^e p^{ar}ticular accounts You may take a further time but pray Rembr y^e Season of y^e Yeare & entertaine no private Causes this Assembly.—

AT A GEN^{RL} ASSEMBLY

Begunne at *James Citty*. June the 8th 1680 In the 32^d yeare of the Raigne of o^r Sov^aigne Lord King *Charles* the second &c.

THESE following Orders of Affembly were made. *Viz*

It being proposd to this Affembly whither Servants consigned to Merchants for Sale be lyeable for payment of their levies if not sold or disposed before the tenth of *June*. *It is declared by this Affembly* that such Servants soe vnfold ought not to be listd as tytheables that yeare

A Proposition being brought to this Affembly for giueing Rules to try Serv^{ts} Indentures comeing into this Countrey, and divers blanke indentures and Office Certificates Signed by the Office keeper or Register or Deputie Register, and Sealed with the Office or Register Seale being produced to this Affembly, whereby it manifestly appears Such Indentures and office Certificates cannot reasonably in themselves without better testemonie or at least great circumstance be accounted Valid & good And because many and different Arguments and proofes may appeare for or against such as may happen to be produced. *This Affembly doe declare* that the former Lawes doe Suffitiently direct concerning Indentures, And that all justices are obliged to giue judgment in Such matters when they come before them according to such prooffe by Evidence or otherwaies as shall be manifest to them, and according to the best of their judgments therein

It being Proposd to this Affembly. Whether it is in the Power of Sheriffs vpon Entry of Actions, against Masters, Marin^{rs}, or others belonging to or on board any Shipp or Shipp^s rideing at Ancho^r in the Respective Riuers, Ports or harbor^s of this his Majest^{ys} Colonie to Enter on board any Such shipp or shipp^s or other Vessells rideing in the River or Rivers Rhode or harbour appertaining to and accounted within the p^rcincts of that Countie whereof he is Sheriffe, and there Serue Such Arrest or proce^ss as the Entry of the Action or Warrant directs. *This Affembly doe declare*, that it alwayes was and still is within the Authoritie and power of all Sheriffs and their lawfull Deputies, to make Arrests, and Execute Warrants as well on board shipp^s and other vessells rideing in the limitts or precincts of their Counties or Rivers or harbours adjoyneing therevnto equall and alike with their Authoritie and power on land in their Countie in like cases, and this to continue in force, vntill there be Courts of Admiraltie Setled.

The Petition of the Inhabitants of *Pamunkey Neck* praying that they may be made a Parrish and it being Averred to this Affembly that part of that Neck belongs to S^r *Peters* parish soe farre as *Johns Creek* and to the Ridge of the 1^d Neck, this Affembly doe declare and Order that they haue liberty to make a Parish downwards from the said *Johns Creek* and Soe vp the Ridge on *Mattaponie Side*, if they thinke Convenient.

Vpon the consideration and Examinacon of the Clayme of m^r *Augustine Moore* for a flock bedd, feather Bolster and Green Rugg, and alsoe one other Rugg impreffed from m^r *Thomas Wythe* This Affembly declare the same ought to be remitted to *Elizabeth Citty* Countie for payment for the Same by reason of a former Order of Affembly, that all claimes of this Nature are to be satisfied by the Countie from whence they come.

Ordered that Coll. *Charles Morrison* be paid by m^r *Auditor* out of the impost of two shillings 7^d hogthead, ten pounds Ster^t for his Expen^se trouble and Charge about the Indian Woman, which is to be in full of his acco^t brought to this Affembly in that affaire.

Whereas there is an Article of 6200 lb^s of Tobacco part of the Sum^e of 14370 lb^s of tobacco, levied this Affembly for m^r *John Quigley* and is charged for Medicines delivered to *Robert Synock* as Surgeon to *Rapp^s Garrison*, and there being by Law only five pounds

pounds *Ster*^t appointed to buy Medicines for each fforte. *It is therefore Ordered* that if it shall appeare to the Court of *Rapp*^a that the said *Synock* ought to allow the Overplus then he the said *Synock* shall discount the same out of what he is to receiue from this pub^l *Levie*. And Major *W^m Lloyd* and Captaine *Thomas Gouldman* are desired to Sequester and returne an Acco^t of such Ouerplus vnto the next Asssembly that the publike may be reimbursed.

Coll *Cuthbert Potter* haueing made appear to this Asssembly by his Oath made to an Acco^t of perticulers that he disburfed One hundred and three pounds three shillings for the freight of fforty foure great Gunnes with great shott and powder suiteable for them, and alsoe for other disbursements by him made in shipping of the said Gunns powder and Shott for this Colonie. And makeing further Oath that he disburfed the said Summe on acco^t aforefaid in the Moneth of *March 1673*. And from that time payes intrest for the same after the rate of Six *per Cent*. ¶ *Añ*: And praying for allowance thereof from the publike *It is therefore Ordered* that he be paid by m^r *Auditor* out of the impoft of two Shillings ¶ hogthead, or out of the Association money where the said Gunnes powder and Shott were delivered proportionally, the said Summe of One hundred and three pounds three shillings *Ster*^t with interest after the rate of Six ¶ *Cent*. ¶ *añ*: from the time of his disbursing the said Moneys to the day he shall be reimburs'd the same. *Provided* it appears by the Oath of the Owners Masters, Purffers, Or others that the Money was paid to them by the said *Cuthbert Potter*.

It is Ordered That m^r *Hugh Cambell* for his care trouble and Expençe in Sending into this Colonie an Indian Woman from *Bermudas* as alsoe for his first costs disburffed for her price there, be paid by m^r *Auditor Bacon* out of the impoft of two shillings ¶ hogthead forty pounds *Ster*^t moneys.

It is Ordered that Coll. *William Kendall* one of the Agents sent to *New Yorke* from this Colonie be paid by m^r *Auditor Bacon* out of the impoft of two shillings ¶ hh. for his disbursements and Salary of Agencie in full ballance of his accounts now rendred to this asssembly one hundred fifty eight pounds fifteen shillings. And that Coll *Southy Littleton* dec^d his Executo^r be paid as aforefaid, thirty pounds *Ster*^t for the Service he did in the said Agency whilst he liued.

Coll. *George Liddall* is by this Asssembly impowred and *Ordered* to Sell all Such Armes as are in his possession w^{ch} belong to the publike, and alsoe to giue a iust accompt thereof to the Next Asssembly without being further called thereto.

Vpon the Petition of *John Kimborough*. *It is Ordered* by this Asssembly that he be allowed as an añuall pension from the publike, One thousand pounds of tobacco and Caske ¶ *añ*: dureing his Naturall life.

Ordered That *Rowland Place* Esq^r be paid by m^r *Auditor* out of the impoft of two shillings ¶ hogthead thirty Seaven pounds Nineteen shillings three pence being for Armes imprest from On board Captaine *Gilbert* belonging to him and made vse of for the Countreys Service.

Ordered that m^r *James Turner* be paid by m^r *Auditor Bacon* out of the impoft of two shillings ¶ hogthead, twenty pounds *Sterling* for Soe much due to him from the publike.

Ordered that Two thousand pounds of Tobacco and Caske be this yeare levied and paid to *W^m Chapman* now dwelling in *Gloster County* and that after two yeares be Expired (if he continues in this Countrey) he be dureing his impotencie and lameness gott in the Service of this Countrey añuallly paid by the publike, One thousand pounds of tobacco & Cask in the County where he then liues, towards his Maintenance and releife.

Ordered that the good Services & Sufferings of *James Wilkinson* dec^d according as his Sonnes Petition truely Setts forth be put vpon Record, to the End Succeeding Asssemblies may consider his Sonne y^e Petitioner when he shall come to full Age.

The Petition of Coll. *William White* on behalfe of *James Citty* parrish being read. *it is therevpon Ordered*, that for the finishing the Church at *James Citty* there be fourteen thousand pounds of tobacco this yeare levied and paid into the hands of Coll *William White* for the vse aforefaid

Ordered

Ordered that the Clerke of the Affembly deliver into the Secretaries Office one of the largest bookes of the Lawes.

Ordered, that those Armes in Coll. *Bacons* hands imprest from on board Cap^t *Granthams* Shipp, be by him safely kept vntill the next Affembly shall giue Order about them.

M^r Auditor *Bacons* acco^{ts} of the impoft of two fhillings $\frac{3}{4}$ hoghead for the yeares 1677. 1678. 1679. & 1680 are pst and allowed by this Affembly as the Same are Stated, the ballance due from the Countrey to m^r Auditor in the Accompt dated the twenty first of June 1680 being One hundred & forty pounds nineteen fhillings thre pence

M^r Auditor *Bacons* acco^{ts} of the Remaining part of the Monies due on the fifty $\frac{3}{4}$ pole are pst & allow'd by this Affembly, on ballance whereof their appears due to the Countrey in m^r Auditor *Bacons* hands Two hundred Sixty foure pounds one fhilling Ster^r With which Sum^e he is hereby ordered to pay Such Sum^{es} of money as are by this Affembly Ordered to be paid to Coll *Kendall* Coll. *Charles Morison*, m^r *Hugh Cambell* and m^r *James Turner*, and make himfelfe D^r for the remainder in the Next years accompt of the two fhillings $\frac{3}{4}$ hoghead.

Ordered that One hundred and Sixteen $\frac{3}{4}$ pole be levied and paid this yeare, for defraying the pub^l debts. And that forty Seaven $\frac{3}{4}$ pole be levied and paid this Next enfueing yeare for defraying the charge of the fowre Garrifons at the heads of the Riuers this Next enfueing yeare, according to an Act of this Affembly.

Vpon the Petition of Coll. *Nathaniell Bacon* for a leafe for fifty yeares for the Two houfes in *James Citty* now lyeing in Ruines, formerly poffeffed by m^r *Richard Auborne* and *Arnall Coffina* together with the lands belonging to them. It is Ordered that the faid Coll. *Bacon* haue a leafe of the fame granted him his Executo^{rs} Adminiftrato^{rs} and Affignes for fifty yeares aforefaid, with fuch Conditions, limitations, and Covenants on his part to be performed as is vfuall in fuch cafes, and as hath been offered to this Affembly for the faid houfes by m^r *George Lee*, who alfoe petitioned for a leafe for the Same.

Vpon the Petition of Coll. *Phillip Ludwell* for a leafe for fifty yeares for the two houfes in *James Citty* now lyeing in ruines, the One that houle where the goale was kept And the other that next adjoyneing to it, together with the lands belonging to them. It is Ordered that the faid Coll. *Phillip Ludwell* haue a leafe of the faid houfes granted to him, his Executo^{rs} Adminiftrato^{rs} and affignes for fifty yeares aforefaid, with fuch conditions limitations & Covenants on his part to be performed as is vfuall in Such cafes, and directed to be exprest and Sett downe in y^e leafe to be giuen to Coll. *Nathaniell Bacon* by Order of this Affembly.

Vpon the Petition of m^r *George Lee* for a leafe for fifty yeares for the two houfes on the Eaft End of those lately granted to Coll. *Phillip Ludwell* and now lyeing in ruines, together with the lands belonging to them. It is Ordered that the faid m^r *George Lee* haue a leafe of the fame granted to him, his Executo^{rs} Adminiftrato^{rs} and affignes for fifty yeares aforefaid (Provided they be the Countries houfes) wth fuch Conditions limitations, & Covenants on his part to be performed as is vfuall in fuch cafes, and as is directed to be Exprest and Sett downe in the leafes to be giuen Coll *Bacon* and Coll. *Ludwell* by Order of this Affembly
Prayer for y^e Council^r

Ordered, that his Excellencie be defired, on behalfe of this Countrey to p^{as}s and confirme all Such leafes as this Generall Affembly haue this present Seffion Granted to Severall perfons for the Tearms and vnder the Conditions & limitations as is Exprest in the feverall Orders.

The houle of Burgeffes in all humillity Signifie to your Excellencie [Here follows the addrefs from the Houfe of Burgeffes to the governor made July 5 and given in full in the Journal. See ante. In the margin of the manuscript appear these words: "Not out of y^e New Revenue"]

His

1. So in the copy. The prayer (or petition) is, however, not given.

His Excellencie is desired to Order and Require the high Sheriffe of *Lower Norfolk* Countie, to demand and Collect the Rents and levies of all the Inhabitants of *Black Water* and *Curratuck*, for lands that they hold by patent from this Colonie. And if the Government of *Carolina* shall disturb them for the payment of such dues, that then the Sheriffe of *Lower Norfolk* be Authorized and impowred to defend them in the payment of Such Rent justly due to this Colonie, And likewise that his Excellencie, be desired to write to the Government of *Carolina* to the intent the Inhabitants of *Black Water* & *Curratuck* may Not be disturbed

Ordered that *Robert Beverley* Clerke of the Assembly, doe deliver to his Excellencie a Copie of the Report of the State of the Countrey, confirm'd by the house and the Councill.

JOURNAL

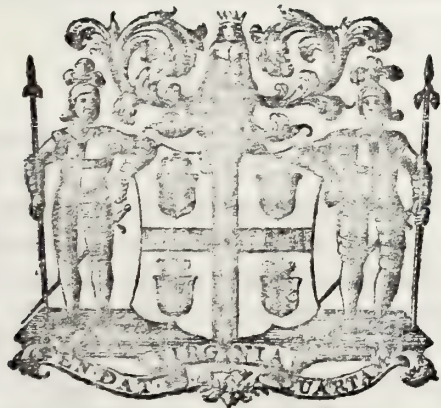
OF THE

HOUSE OF BURGESSES

AT A

GEN^{LL} ASSEMBLY

Held at *James Citty* by Prorogation from the 8th day
of *June* 1680: to the 15th *feb*: following and from
thence [by further Prorogations] to the 18th of
Aprill 1682



RICHMOND, VIRGINIA.

MCMXIV.

AT A GEN^{LL} ASSEMBLY

Held at *James Citty* by Prorogation from the 8th day of *June* 1680: to the 15th *feb:* following and from thence [by further Prorogations] to the 18th of *Aprill* 1682

Die Mart: Aprill: 18th 1682

SEUERALL of the Burgeffes conveened, *Ordered* one of the writts for election of Burgeffes to be read:

The writt for *James Citty* County directed to the Sherriff of *James Citty* County was read in the houle

The Burgeffes mett together with M^r *Speaker* adjourne untill to morrow the third drumme.

Die Mercur: Aprill the 19th 1682

THE houle mett and called ouer

A Committee appointed and sent out to examine the writts

Coll^o *Lemuell Mafon:*

M^r *W^m Fitzhugh:*

M^r *James Minge:*

Maj^r *Sam^{ll} Swann:*

M^r *Charles Turner:*

Robert Bradley is appointed Clerke of this Committee

This houle adjournes till afternoone, the beat of drumme:

Post Merid:

THE Committee appointed to examine the writts returne, there reporte is confirmed by the houle:

Coll^o *William Bird*, Cap^t *Rich^d Whittaker*, M^r *Joⁿ Spier*, and M^r *Thomas Tabererer* are appointed by the houle to request the Governo^r to appoint some one or more of y^e Councill to fweare the new elected Burgeffes:

They returne and say, The Governo^r desires to speake with M^r *Speak^r*

The houle desires M^r *Speaker* to wait upon the Governo^r at his request, & appoint Maj^r *Henry Whiteing*, M^r *William Sherwood*, M^r *Rich^d Whittaker*, M^r *W^m Fitzhugh* and M^r *Thomas Clayton* to attend M^r *Speaker* with the Clerk:

M^r *Speaker* returnes, and acquaints the houle, that the Govern^r hath informed him that by late instructions from his Majestie he is not to suffer the Burgeffes to sitt and therefore noe need of swearing new Burgeffes, & that his hono^r promifes to call the houle before him to morrow, when he will acquaint them with his Majesties instructions:

The whole houle vnanimously vote that there may forthwith be an humble addrefs from the houle to the Govern^r for the Continuance of this Aff^{bs}

Ordered: A Committee appointed to prepare an Addrefs forthwith to be presented to the Governo^r in ord^r to the continuance of this Assembly & to present the same to the houle for approbacon:

M^r *James Minge* Maj^r *Sam^{ll} Swann*, M^r *William Fitzhugh*, M^r *William Sherwood* M^r *Thomas Clayton* Cap^t *John Matthews* and M^r *Christop^r Robinson* are appointed for this Committee and the Clerke of this houle to attend their Commands.

Tho: Scott is appointed to attend them as Clerk:

The houle adjournes to the beat of drum:

About

About 11: at night the house mett at beat of drum and are called ouer

The returne of *Eliz: Citty County* writt read in the house, and M^r *Thomas Jaruis* & M^r *Edw^d Mihill* admitted Burgeffes

The Committee returne with the addrefs for continuance of the Affembly, rough drawn which is read in the house and approoved, and ordered to be entred in the journall book for a record of this house; and forthwith fairly transcribed in order for sending to the Govern^r & Council:

Ordered that y^e Clerk of this house doe early to morrow morning deliuer to Maj^r *Geo: Morris* Cap^t *Rich^d Whittaker*, M^r *James Bifs*, and M^r *Hen: Mills* the faire copy of the addrefs, and that they doe immediately thereupon, wait upon the Gouvern^r and present the same to him from this house

This house adjournes to, tomorrow morning the second drum:

The Addrefs follows

To the R^t hon^{ble} S^r Hen: Chicheley Kn^t his Ma^{ties} Dep^{ty} Govern^r, and to the hono^{ble} Council of State:

The humble Addrefs, and supplicacon of his Ma^{ties} most humble distressed & loyall Subjects of this his Ma^{ties} Countrey of Virg^a in all humility present: R^t hono^{ble}

That wee our most dread and most gracious Soueraignes most humble and loyall Subjects the Burgeffes for the sd Countrey in the gen^l Affembly now Affembled, ouerwhelmed and oppressed with greife, and ineffable Sorrows through our dolefull & most piercing apprehensions, and fears of an adjournm^t as to us seems most sensibly intimated upon our humble application to yo^r hono^{rs} and yo^r hono^{rs} discourse & returne to our Speaker. Yet wee comforted with the sweet assurances of his Ma^{ties} & yo^r hono^{rs} superlatiue grace and goodnes, and of the hearty sincerity of our most Candid intentions and proceedings whereon with humble confidence we shall euer relye in all humility beseech yo^r hono^{rs} that the tryed loyalty and dutifullnes of as long approved faithfull and deuoted loueing Subjects as euer serued or liued under the most gracious of all Soueraignes may not be eclipsed by misapprehensions of this our most humble and Submissiue addrefs, and supplication, but that yo^r hono^{rs} through the Sunshine of yo^r owne cleer judgments would candidly vouchsafe to consider the sincere intentions of this our humble peticon resolued upon by the uniuersall voice of this house, and passionately submitted to yo^r most gracious fauo^{rs} humbly setting forth *viz:*

1st That this miserably indigent poor Country whose last expireing hopes were onelie Cherished with the flattering promises of some most happy result of this Aff^{blies} consultations and already subjected to at least one halfe of the charge of fourteen dayes sitting by the meeting of the burgeffes who from all parts of this drooping Countrey haue passionately waded through all the great and manifest dangers of the great unusuall and exceffiue inundacons and stormes, to the eminent danger of our liues to attend the same, that the expence and charge of issueing the writts, transmitting them to the feuerall Counties preparacons of prouisions and other incidents to a gen^l Affembly, will well nigh (if now adjourned) fall as heauy upon us and that to noe purpose, as if the Affembly continued, besides the gen^l amazem^t, and diffatisfaction like an unexpected deaths wound, it will be to the people in generall whoe will be infinitely more affected and better satisfied cheerfully to beare y^e vastest charges of a Session, then to gaine much more by a Suddaine dismission haueing generally entertained such high assurances of a happy result therefrom

2^{dy} At this Criticall juncture of time and affaires we conceiue, there is an absolute & if truly considered, indispenfible necessity for an Affembly, which if dismist now must proue of fatall and ruinous consequence to our Little all, and must be reconueen'd shortly or at furthest at the fall, which will accumulate exceffiue doubly trebbled charges and taxes on the people, without the wished returne of any Comparable benefitts this Season now presents us with, being what now soe opportunely offers itelfe for the immediate preferuation subsistance and establisment of his Majesties Country, and our security and happines like past houres will irrecoverably be slipped by us, and wee onely left to wish at best:

3 The ineffable Calamity, under which the gauled Countrey at present roares our sole Staple Commodity tobaccoes being soe lost and vile a drugg that wee are noe wayes able to force a miserable Subsistance from the same but generally brings us in debt of which we are all to our deare experience most deeply sensible which is impossible to be improved or advanced by any other wayes or meanes, then by an Assembly which Calamities, if force of penne, witt, or words Could truly represent as it is, the sad resentments would force blood from any Christian Loyall Subjects heart, especially a true Lover of this Country, whilst our expectations of releife wholly relyes on this Assembly now convened, which if abortiue discharged 'tis highly to be feared, will add disperacion to misery w^{ch} God of his infinite mercy prevent

4th Our late allarrums by the Indians on our frontiers this Season of the yeare annually exposing us to the knowne dangers of our Common enemy of whose attaques wee are in dayly dread and horro^r of our neighbouring Indians joyning with them, and to aggrauate all this it is credibly reported the Soldiers are forwith to be disbanded, and consequently the garrisons well settled for the security of the Countrey dismantled, which by noe wayes wee humbly conceiue can bee reinforced, and fully strengthened without the advice and consideration of an Assembly because from them must come their pay and prouisions for their maintenance, which will be of dangerous consequence in itselfe alone in this juncture when florreigne enemyes are dayly expected to invade us, and our neighbour Indians by most inhabitants, are justly to be dreaded if we doe not protect them against the *Senecaes*, the which without an Ass^{ly} wee are utterly incapable of.

5th If the soldiery should be disbanded, and not receiue their full pay, and arrears which wee knowe is not frequent will giue them occasion of murmuring; the which if added to the dissatisfaction of the Country in gen^l by the thus breaking up of this Assembly, might proue of dangerous, and irrecoverable Consequence to this Countrey and his Majesties interests therein:

Lastly That in the ordinary Course of Justice in matters of greatest import amongst many perticular persons, appeales haue bin made and waighty causes otherwayes transmitted to the Assembly held in A^o 1679, and thence referred to that of *June* 1680, when by an expresse from his Ex^{ty} noe priuate matters were to come in debate during that Session Since which time two yeares are well nigh now elapsed, and if noe Assembly at pres^t shall be holden great inconveniencies will ensue if not a totall fayleur of Justice: All which wee in all humility submit to the just ballance of yo^r hono^{rs} mature considerations and judgments with all zeale of hearts and Soules most passionately praying that it may please the Almighty dispenfor of all wisdom to inspire yo^r hearts and mindes with a true Sence of our manifest miseries dangers, and Calamities, that wee his Majesties most Loyall Subjects may receiue the great consolacion of a propitious answer to this our humble address, for the Continuance of this Assembly to a Session, whilst wee in all fineryty most heartyly pray

God blefs his Majestie and yo^r hono^{rs} and euer Subscribe: from the house of Burgeses

this 19th *Aprill*: 1682:

Die Jouis the 20th Aprill: 1682

THE returne of the writts for *Yorke* County and for *Accomack* County read in the house and allowed

Maj^r *George Morris* Cap^t *Rich^d Whittaker* M^r *James Bifs*, and M^r *Henry*

Mills returne answer to this house that they haue d^d the address of this house relating to the Continuance of the Assembly. to the Gouvern^r early this morning, and report to the house that his hon^r sayd he would rise early, and as soon as the Councill came together he would make them acquainted with it and Signifye the same to the house.

Die

Die Jouis the 20th of Aprill: 1682

Post merid:

MR Chilton comes to the house, and is bid goe forth a while and shall be called by and by:

Ordered that M^r Chilton be sent for into this house to be enquired of his errand, he is enquired for at the door but is not there.

The question whether the message sent yesterday from this house shall be reinforced to the Govern^r to intreat the govern^r to send Councill to swear the new elected Burgeesses

Resolved nemine Contradicente in the affirmatiue.

Ordered that Maj^r Charles Scarburgh Maj^r Joⁿ West, M^r W^m Fitzhugh, Maj^r Sam^l Swann M^r Hen: Mills, and Maj^r Thomas Gouldman be appointed by the house to waite upon y^e Govern^r and to reinforce the message sent yesterday to his hon^r that he will please to appoint some of the Councill to swear the new elected Burgeesses, and to acquaint his hono^r

That this house takeing into consideraçon that there are diuers writts returned nominateing the new election of Diuers Burgeesses, which doe accordingly appeare and for as much as by the Lawes of *Engl'd* and the constitution of this Countrey new elected Burgeesses are not to be admitted to a vote, before they haue taken the oaths of Allegiance and Supremacy, and this house being very desirous of being full, to the end they may make more full and better answers to w^t the R^t hono^{ble} the Govern^r shall require doe therefore reinforce the message of yesterday by their aboue nominated Burgeesses to the Govern^r that he will forthwith please to appoint Councill for the swearing the new elected members now present

The messengers are accordingly sent and they goe out.

M^r Edw^d Chilton comes into the house, and Sayes that the Governo^r expects M^r Speaker and the house of Burgeesses to wait upon him presently in the Court house.

Ordered that Coll^o William Loyd, Capt: Rich^d Whittaker Coll^o Joⁿ Farrar and M^r James Minge doe waite upon the governo^r and informe him that a messenger lately came into the house as from the Gouverno^r whom this house not knowing they cannot take notice of, and that this house doe pray his hono^r when he pleases to send any message to this house he will please to use the accustomed manner therein, to the end they may take due notice thereof, and accordingly giue their respects

Maj^r Charles Scarburgh &c brings answer that the Governo^r is now at dinner and sayes that after dinner he will call the Councill and consider of it:

The house adjournes to the beat of drumme.

Coll^o W^m Loyd: &c: goe upon their message.

They returne and say the Governo^r sayes to them that he expects M^r Speaker and the house to waite upon him according to his directions yesterday:

Ordered that Maj^r Charles Scarburgh Maj^r Joⁿ West, M^r W^m Fitzhugh, Maj^r Sam^l Swanne, M^r Hen: Mills and M^r Tho: Goldman doe wait upon the Gouverno^r to remind him of his promise about the late message viz^t that his hono^r will please to appoint Councill to sweare the new elected Burgeesses, for their better enabling to observe his hono^rs Commands.

They goe out and Returne and say the Governo^r seems to be in passion and sayes he will heare noe more messages, and has sent for M^r Speaker and the house oftentimes to come and heare the Kings Letter, and did further add the New Burgeesses shall not be sworne

Ordered by the house that the Clerk doe forthwith Reade to the house all the entries, and passages in the journall from the beginning of the first dayes meetings of this house according to the teno^r of the Governo^rs writts to this present time.

The question whether this house shall waite upon the Governo^r upon the returnes those Gentlemⁿ: brought upon their message sent upon, or that this house shall waite the Governo^rs other exprefs Commands

Resolved

Resolved that this house according to the antient and good practice thereof. doe not obserue or attend any message brought to them by their own members further yⁿ the whole house from time to time shall think fitt, And that in answer to the present Question put, they are Resolved not to trouble the Governo^r by an uncertaine waiting upon his hon^r but will dutifully expect his hono^{rs} Commands as all along heretofore has bin used for their attendance which they will respectfully obserue

This house adjournes to the beate of the Drum any time this evening and if noe drumme beat this evening, then to the second drumme to morrow morning

Die Vener: the 21st of Aprill: 1682:

THE Question a paper presented by M^r Sherwood to the house, whether the same shall be read or not

Resolved nemine contradicente in the affirmatiue, the paper read

Ordered that the paper presented by M^r Sherwood be read a Second time wth amendm^{ts} the paper read a Second time, *Ordered* that the same be forthwith entred in the journall book of this house, and forthwith fairly transcribed and sent to the Governo^r and Councill by Maj^r Charles Scarburgh Maj^r John West &c

They are sent with the paper and directed by the house that if the Councill be not with the Governo^r to acquaint his honor the house ordered them to Leau^e it wth them, and doe pray him to Communicate it to the Councill with the first Convenience The words follow

To the R^t hono^{ble} his Ma^{ties} Deputy Governo^r of Virg^a and to the hono^{ble} Councill of State.

The house of Burgeffes

Humbly present:

This house haueing taken into their consideracons yo^r hono^{rs} returne of their message sent by Maj^r Charles Scarburgh, and feuerall other members of this house to pray yo^r hono^{rs} to appoint Councill for swearing the new elected Burgeffes of this house, which was return'd them in the following words or Signification, That yo^r hono^{rs} would receiue noe more messages from this house & that yo^r honors sayd, you had sent for them oftentimes to come and heare y^e Kings Letter, and that the new Burgeffes should not be sworne, for the last of which they are heartily sorrowfull and being desirous with most hearty submission to obey his Majesties and yo^r honors Comands, yet fearing it may be for his Majesties disservice in the hazard of this Countreys ruine, should this Assembly be adjourned or prorogu'd without longer Sitting to make the Same a Session and without reasons rendred them for their Satisfaction, doe most humbly pray yo^r hono^{rs} will please (as the feuerall Governo^{rs} of this Countrey in such cases haue all along bin used to doe and practice) to transmitt his Maj^{ties} Letter in that case to this house for their perusal, in which if there be noe latitude allowed but that without exception his Ma^{ties} Commands this Assembly shall not fitt they shall most readily and obediently Submit themselves to it, and use their utmost endeauours to Satisfye therewith their respective Counties whom they represent. And if as they hope his Majesties Letter necessarily must, it shall admitt of an exception or prouiso^e for the Continuance of this Assembly, they will forthwith use their utmost endeauours, and humble applications either by conference with yo^r hon^{rs} or otherwise, to shew the absolute necessity why this Assembly ought to continue, This great and needfull fauour they humbly hope your honors will not denye them, and as in duty bound they shall ever pray for yo^r hon^{rs} wellfaire and prosperity:

M^{rs} Charles Scarburgh &c: returne from their message, and report to the house that they haueing deliuered their message to the hand of the Governo^r and prayed his hon^r in the name of the house, that he would please to Communicate it to the Councill as soone as possible, The Governo^r first read the paper, and very mildely made answer, and promised that he would call the Councill together and communicate the same to them, and giue an answer thereof to the house

An abridgem^t of Reafons in the late addrefs from this houfe to the Gouvern^r & Councill why there is an abfolute neceffity for this prefent Affemblyes continuance to a Seffion being prefented to this houfe, *It is ordered* that they be entred upon the journall book as the Reafons of this houfe, and that the Clerk doe prepare and giue to the refpectiue Burgefles of euery Seuerall County a faire Coppye und^r his teft boeth of the Addrefs at large, and alfoe of thofe abridged reafons drawne out thence, and that further the Clerk of this houfe doe not refufe to make the fame pub^l by giueing coppies under his teft to fuch as will defire and pay him for the fame.

Ordered that Coppies of any part or the whole proceedings of this houfe be by the Clerk of this houfe deliuered under his teft to any perfon that fhall defire and will pay for the fame.

Reafons rendred by the houfe of Burgefles why there is abfolute neceffity for the prefent Affemblyes continuance to a Seffion.

ffirft. The Burgefles are all mett from the feuerall parts of the Countrey, moft of them with great labour difficulty, and danger by reafon of the exceeding badnefs of the weather, and great inundations caufed by long and continued raines altogeay^r unufuall to happen in this Countrey, and the charge of holding this Affembly is thereby more then halfe contracted.

2ly: The whole Countrey are unanimoufly defirous of an Affembly at this time hoping thereby to finde releife in this their miferable and loft Condiçon, that this houfe doe unanimoufly declare they fear if it be now difcontinued wthout being fuffered to fitt, the neceffities and difcontents of the people may turne to defperaçon

3ly: Many of the people in diuers parts of the Countrey are in great feare & dread of the fforreigne Indians speedy comeing downe amongft us, as for fome years paft they haue annually done, and that if there be noe courfes taken to preuent it, our neighbour Indians will fubmitt themfelves to and joyne wth them, which if foe will in all likelyhood proue ruinous to this whole Countrey and either there is reafon to reinforce the garrifons at the heads of all the Riuers, or to call thofe few in that are kept there at the Countreys great charge, and as the matter is now mannaged to little or noe purpofe

4ly: They heare that his Ma^{ties} Soldiers are forthwith to be difbanded, which will not onely take away neer halfe the number of the Soldiers already placed in the feuerall garrifons at the heads of the Riuers, but alfoe leaue his Majefties Magazines and ftores naked and ungarded which they doubt may prove of dangerous confequence

5ly: If the Soldiers fhould be difbanded, as Common fame giues out they are, and not wholly paid, and they fhould thereupon not quietly fubmitt themfelues and lay downe their armes, their joyning with the difcontents of the people may occafion the hazard if not utter Ruine of this his Ma^{ties} Countrey and people

6ly: That diuers caufes of great waight haue long layd before the Affembly, which are come there both by Appeales and tranfmiffion from the Gouverno^r and Councill, more perticularly fince the Seffion held A^o 1679 which is now well nigh four yeares, if noe Affembly fhould now hold, great inconveniencyes will thereupon arife, and poffibly will be accounted a fayleur or denyall of Juftice:

The houfe adjourned to the beat of the drum in the afternoon.

Post merid:

A MESSAGE reåd from the Governor in thofe following words read in the houfe
By his Ma^{ties} Dep^y Gouvern^r &c
Mr *Speak^r*

I did feuerall times yefterday fend *Edw^d Chilton* Cl: of the Councill to require you and the houfe of Burgefles to come to me to the Courthoufe, where myfelfe with the Councill were, there to impart to you and them fome Commands I haue reåd from his Ma^{tie} but you then came not, which I admire at I haue now fent the fd *Edw^d*

Chilton

Chilton & doe require you, that you with the house at the beat of the Drum in the afternoon attend me at the Courthouse, where I shall impart to you his Majesties Commands
Apr: 22^d 1682 *Hen Chichley*

Ordered by this house that authentique Coppyes of the journall booke, and all proceedings therein dureing this time of their meeting be by the Clerk of the Aff^{bl} transcribed and attested, and severally deliuered to some such members as the house shall appoint that may take care to transferr them to England to be there presented to the hon^{ble} S^r Lyonell Jenkins his Ma^{ties} principall Secretary of State, and that the respective members be further desired that they take what further care they can that the hon^{ble} M^r Secretary be humbly moued by them truly to represent to his Ma^{tie} the presures and Calamity the Country now Lyes under by preuenting this Conuention:

Maj^r Charles Scarborough and Capt: Thomas Jarvis are nominated and appointed by this house in the aboue trust, and the Clerk of this house is hereby ordered to prepare and make ready two severall coppies at Least for each severall gent^m and deliuer them fairly written and attested in order for their being sent forward by the first Conuenance, in different shippes

M^r W^m Fitzhugh, and L^t Coll^o Farrar are sent by this house to acquaint his hon^r that the house is ready to attend his Commands

They bring answer that the Gouverno^r sayes he will be immediate ready for them:

M^r Speaker and the house of Burgeses repaire to the Gouverno^r and Councill into the Courthouse to attend his Commands

They returne, and M^r Speaker takes the Chaire.

M^r Speaker reports to the house that the Gouverno^r was pleased to impart to this house part of a Letter from his Majestie, relateing that his Majesties pleasure was to disband the two foot Companies from and After Christmas, unless the Govern^r Councill and Burgeses should desire to haue them continued to which his Majestie would gratiouly condiscend provided the Assembly would raise there pay, out of the Countreys Revenue

Cap^t Matthews, and M^r Anth: Lawson are sent to the Gouverno^r to Acquaint his hon^r that the house are preparing an answer with all possible expedicon

This house haueing considered what was read to them by Coll^o W^m Cole, the Govern^r and the rest of the Councill being present, and by the Gouverno^rs directions being part of a Letter from his Ma^{tie} Signifyeing his Ma^{ties} pleasure to disband the two foot Companies of Soldiers now in Virg^a unless the Gouverno^r Councill and Aff^{bl} shall desire to haue them continued, to which his Majesty would gratiouly condiscend provided the Assembly would pay them out of the Countries reuenue raised, and to be raised doe now signifye to yo^r hon^{rs} that they cannot doe duly as they ought, consider of soe weighty a matter for his Majties best service before the new elected members be Capacitated for their votes by takeing the oaths of Allegiance and supremacy, And therefore this house doe renew their former request, to the hon^{ble} Gouverno^r to appoint Councill to administer the sd oaths to all the new elected Burgeses; And this house doe alsoe pray yo^r hon^{rs} will please to transmitt the Originall Letter itselke, or if that may not be a Coppy of such part thereof, as concernes the house to know, to the end they may be the better enabled and directed to giue the same all dutifull respect.

The aboue written went directed to the Governo^r and Councill From the house of Burgeses this 21st Aprill: 1682:

Coll^o William Loyd and Cap^t Thomas Goldman, M^r Tho Taberner, and M^r Thomas Barber are appointed by the house to carry the aboue written message

They goe on the message

By his Majesties Dep^{ty} Govern^r &c

I doe hereby nominate and appoint Coll^o William Cole and Ralph Wormley Esq^r two of his Majesties Councill of State to administer the oath of Allegiance and Supremacy as Alsoe the oath of a Burgeses to every new elected member of this Assembly

Aprill the 21st 1682

Hen Chicheley:

M^r

Mr William Sherwood Mr Tho: Clayton &c. tooke the oath of Allegiance and Supremacy; and the oath of a Burgefs which was administred to them by Coll^o W^m Cole and Ralph Wormley Esq^r two of the Councill:

A meffage from the Gouverno^r and Councill by the hand of Coll^o Bridger who deliuered the fame in these following words, viz^t

Mr Speak^r

I am sent to the house with this paper wherein is Contained Copy of that part of his Maty's Letter which concernes this house and it is examined and Compared wth the Originall and attested by the Clerk of y^e Councill, the words containd in the paper are vizt

Charles Rex

Trusty and wellbeloued wee greet you well, whereas wee haue bin pleased by our order in Councill bearing date the 22^d of this instant *Nouember* to direct y^e the payments made out of the Receipts of our exchequer in *enḡld* for the maintenance of the two foot Companies now in our Colony of *Virg^a* as well officers as private Soldiers, and other persons belonging to them shall cease and determine at *Christmas* next, and that the sd Companies be then disbanded unless our Govern^r Councill and Affembly of *Virg^a* shall desire and agree to pay them out of the Revenue raised or to be raised within our sd Colony for that purpose whereunto we are willing to giue our Royall Assent

Copia Vera Test.

Dated at *Whitehall* this
30th *Nouember* 1681:

Edw^d Chilton Cl Coñ:

This house adjournes to to morrow the Second Druñ:

Die Sat: Apr: 22^d: 1682.

THE writt from *North'ton* County and returne thereupon read in the house and allowed to be good:

The orders of the house read:

Cap^t W^m Whittington & Mr *Edw^d Mihill* appointed by the house to request Coll^o W^m Cole and *Ralph Wormley* Esq^r they will please to come and sweare Mr W^m *Hardridge* a new elected Burgefs for *Westmorl'd* County

The question whether according to the usuall Custome the speak^r of the house haue the first nominaçon of the members of the house for a Comm^{tee} and the house to allow or disapproue of the same, or whether the first nomination of the Committee be by the house

Resolved that the first nomination of the members for a Committee be (as heretofore hath bin) first by the speaker to be allowed or disallowed as they please

Coll^o *Carters* Letter read in the house praying excuse from being obliged to his attendance at the house.

Ordered That a messenger be forthwith sent from this house to Comand Coll^o *John Carter* one of the Burgeffes for *Lancaster* County his immediate attendance at y^e house and that Mr *Speak^r* Signe a warrant for the same

A Committee appointed for the examinaçon of greivances & confideration of propositions:

Maj^r Charles Scarburgh

Mr *James Minge*

Mr W^m *Sherwood*

Mr *Tho Jaruis*

Maj^r *Sam^{ll} Swann*

Mr *John Spier*

Maj^r *Hen: Whiteing*

Mr *Christop^r Robinsen*

Cap^t W^m *Ball*

Mr W^m *Fitzhugh:*

Mr *William Randolph* is appointed Cl: of this Committee, and that he be sworne to faithfullness and Secrecy by Mr *Speaker* as a Majistrate of *James City* County before he be admitted Clerke

Ordered

Ordered that all persons that haue any propositions or greivances to this Aff^{ly} present the same to this house by *Saturday* noon the 29th of this instant *Aprill*, or to be excluded for this present Session, except the house shall see cause to receiue the Same

M^r *Tho Clayton*, M^r *Joⁿ Bucknar* and Maj^r *John West* are appointed by the house to giue the thanks of this house to the R^t Hon^{ble} the Govern^r for appointing the hon^{ble} C^oncello^s for the swearing their new elected Burgeffes and communicateing to them at part of his Majesties Letter concerning the disbanding the Soldiers that relates to this house and to acquaint his hon^r that this house are takeing all possible care to giue full and humble answ^r to the same, and in order thereunto haue made Choice of an able Committee to enquire into the State and Condi^on of the Countrey, and the greivances thereof, to whom this house will forthwith referr the consideration of the Letter, and order they shall bring their report to this house, which when done shall forthwith Signified to his hono^r and the hono^{ble} Councill of State

A Committee appointed for private Causes

Coll^o *W^m Bird*

M^r *Benj: Harrifon*

L^t Coll^o *Anth: Smith*

Coll^o *Lemmuell Mafon*

M^r *John Bucknar*

Maj^r *George Morris*

Lt Coll^o *John West.*

Cap^t *Tho: Gouldman*

M^r *Lancelott Bathurst* is appointed Clerk of this Committee

This house adjourned till *Monday* the 24th *Aprill* to y^e fec^d drum

Die Lun: 24th Aprill 1682

M^r *Speaker* informes this house that he hath sworne M^r *W^m Randall* Clerke to the Committee of aggreivances &c. according to the directions of the order of this house.

M^r *William Fitzhugh* speakes *viz*

M^r *Speaker*

Among other the greivances brought from euery perticular County I haue here the perticular greivances of our County, and gen^{ll} greivances of y^e Country which I now humbly offer to this houses consideration, the frequent practice of Parliamentary proceedings upon their first beginning is to looke upon and see after the proceedings of precedent Sessions and from thence to make the first stepp of their affaires grounded upon weighty reasons well to consider what was done, w^t was left to doe, and what was necessary to be done, giues a great light for the present what is first fitt to be entred upon, how necessary and indispenfibly fuitable to our affaires at present to looke a little back to the last Session, may be easily conceiued when we consider that most of the acts past ere to pass the Royall assent before the full consummation thereof, or indeed before they could be said to be Lawes, as appeares by the words in all the sd acts, in order therefore to gaine that royall Assent, the gen^{ll} Aff^{ly} then mett tooke care to have them fairly transcribed, and presented to his Majestie, as in the journall book of this house appeares of great advantage to us, if the King in his princely wisdom should haue thought fitt to haue granted the same, but now M^r *Speaker*, although it is not two yeares quite since those were sent away, yett the Conueniency of two shippings coming to us hath elapsed, and not one word from his most gracious Ma^{ty} hath appeared in the Country to our knowledge in that affaire, I haue and dare say euery one here haue soe dutifull an esteem of his Ma^{ties} most gracious fauours towards us, and Royall Condescensions to anything requisite to our well being that we must imagine his Sacred Ma^{ty} would upon the humble representation of the same, haue giuen a most favourable answer to the same especially to our Lawes sent home without whose Royall assent his Ma^{ty} well knowes of what vigo^r and force they are off; I shall take upon me to enquire the reasons but dare averr it to be a thing indispenfably necessary the consideration of this grand

Affem^{ly}

Ass^{ly} Therefore M^r *Speaker* I humbly moue that a Committee may be appointed to inspect the whole Journall book of the Last Sessions, and that they may make report to the house of the same, and that a sure way be proposed and certaine cares taken to represent the Same to his Ma^{ty} Together with the State of the Countrey, as it now stands for I humbly Conceiue it to be as necessary to cleare all ambiguities and doubts, and to take away all objections to Lawes formerly made, especially if they are found expedient for the Countrey as it is to make new Lawes, Therefore I hope this motion will not be thought unseasonable, but by this house thought most reasonable, and indeed their prime Consideration, considering that the objectors doe not quibble or play upon the words or Letters of the Law or abiguously interprett any clause prouiso or Limmitations therein but they strike at the root and very heart and essence of the Law doubting whether it be a Lawe or noe till the Royall Assent obtained and here promulgated, then the advantage we justly promised to ourselues in our addressees if his Ma^{ty} should haue bin graciously pleased to haue granted all or any of them, might if that *unum necessarium* I menconed before about the Lawes, had not binn soe important, was worthy the Consideration of this house, to take into their serious consideration, and to take such care that his Ma^{ty} may haue the same humbly represented to him together with the full remonstrance of the present State of this Calamitous Countrey

This house approues of the motion and speech of M^r *William Fitzhugh* Seconded by seuerall other the members of this house and unanimously consented to by all and doe order and resolute: that a Committee be appointed to Consider of the same and make reporte thereof to this house, and doe ord^r the Clerk of this house to forthwith enter the same into their Journall bookes of this house, and from thence drawe a faire Coppie and attest the same presented to the Select Committee for their guide therein:

Ordered that *James Ellis* a messenger from Coll^o *John Carter* be called into the house to speake his message, he deliueis a deposition in writeing, which is *viz*:

The deposition of *James Ellis* of the County of *Lancaster* deposeth and sayth That Coll^o *John Carter* one of the Burgessees for the County of *Lancaster* is not in Condition to come to towne by reason of a great defluxion of humors that hath fallen upon seuerall parts of him likenefs greuous paines and a loofness w^{ch} hath soe weakened him that he is not capeable of rideing nor indeed can hardly walke and further sayth not

Jurator coram me James Minge Apr: 24th 1682:

Ordered that M^r *James Minge* a Magistrate of *James City* County be desired by this house to withdraw, and sweare the sd *Ellis* to his deposition ready drawne and presented:

Coll^o S^r *Leiger Cod*, M^r *Tho: Clayton* &c: are appointed by this house a Select Committee to inspect into the journall book of the last Session and all the records of this Countrey or such as they shall find occasion to inspect, and M^r *Secretary* is by this house desired to permitt them or any one or more of them from time to time to haue free recourse, and inspection into such Records as are in his hands, and they are ord^d by the house upon such inspection to make report to this house

M^r *Edw^d Harrison* is appointed Cl: of this Com^{tee} and M^r *James Minge* a magistrate of *James City* County is desired to withdraw and sweare the sd *Harris* to faithfullness and Secrecy as Clerk afforesd

M^r *Speaker* acquaints this house that yesterday upon the Govern^{rs} Comand he waited upon his hono^r who desired that there might be as great an expedition used as might be in the returne of an answer to that part of his Majesties Letter relating to the Soldiers and presented to the house, and that he returned answer to his hono^r that he Conceiued the State of y^e Countrey must first be enquired into and that then he was well assured the house would be as expeditious as possible in returning an answer which is the unanimous resolution of this house

Maj^r *Geo: Morris* and Coll^o *Farrar* are ord^d by this house to acquaint his hon^r that there are two new elected Burgessees yet unsworne and that because Coll^o *Cole* is not in Towne, that his hon^r would please to appoint another gent^m of the Councill in his roome to sweare the sd Burgessees.

Vpon

Vpon the depofition of *James Ellis* this houfe think fitt to excufe the attendance of Coll^o *John Carter* fo long as he fhall Continue ill and Remitt the former order for fending a meffenger wth M^r *Speakers* warrant for him:

Maj^r *Otho Thorpe*, and M^r *Martin Scarlett* tooke the oaths of allegiance and Supremacy an oath of a Burgeffs, which were adminiftred to them by Coll^o *Rich^d Lee* and Coll^o *John Curtis* two gent^m of the hon^{ble} Councill: the greiuances of feuerall Countiees read in the houfe and it is by this houfe generally ordered that all the greiuances and propofitions already brought in or to be brought in to this Aff^{ly} may be sent without further reading to the Com^{tee} appointed to examine and reporte the fame being attested by M^r *Speaker* or the Clerke of this houfe.

M^r *Fitzhugh* fpeakes viz^t

M^r *Speaker*:

I humbly offer that Councill are abfolutely neceffary to be added to this Committee of priuate Caufes, becaufe the pra^{ctice} is fo continued from y^e Beginning and firft fettlem^t of Affemblyes in this Country yett I doe Concurr with the gent^m that before fpake as to the Parliamentary proceedings in *Engl^d* wherein noe Committee appointed by the houfe euer did or ever will defire the affiftance of any of the Lords, but I muft begg this fauo^r to diftinguifh betwixt the nature of this Com^{tee} and all other Committees, for there was never fuch a Committee appointed by the Parliament in *Engl^d* becaufe the houfe of Lords is the onely Court, and the prime and Supreme Court of Judicature in the na^{tion} and to which Court onely a writt of error from a judgment in the Kings bench lyes, the houfe of Commons are efteemed onely the grand inqueft of y^e nation and cannot adminifter an oath, therefore uncapeable of appointing fuch a Committee, is the onely deuiation which wee make from the Parliamentary proceedings of *Engl^d*, which method for a long time hath continued unaltered and truly I am of opinion hath bin rather indulged then allowed by reafon of the State of our Country for that the gen^l Court is an hon^{ble} body constituted of the Govern^r & Councill w^{ch} is the upper houfe in our gen^l Aff^{ly} and whoe ftand here wth us in the quallity the Lords Spirituall and temporall are there, Now confidering the ftate of our cafe the conftant ufage of appeales from that hon^{ble} Court, it was requifite by the conftant ufage and continuall pra^{ctice} that thofe Caufes by a Com^{tee} compofed of fome prime members of the houfe of Burgeffes whoe affifted wth fome of the Councill fhould determine thefe appeales which makes them capeable to try them for excentricall and irregular would it feem to any rationall man that Caufes of *Meum & Tuum*, and of fuch great confequence as doubtlefs moft of thefe are fhould be tryed by fuch a Court that haue not power in themfelues to adminift^r an oath, the Loweft Courts in *England*, fo much as the Court of Byponders^r haue power to adminifter, Then would it not feem unreafonable that a Com^{tee} of fome number of Burgeffes fhould be efteemed a more Supreme Court, and examine the caufes pleadings and judgm^{ts} w^{ch} haue bin by the Govern^r and Councill tryed, and yet in y^r conftitu^{con} not Capeable of adminiftring an oath, then the very words in the appeale imports as much, for if appeale is made to the Affembly then I demand by w^t rule thefe gent^m can make the Burgeffes the Aff^{ly}, for I conceiue y^e Aff^{ly} to confift of Gouvern^r Councill and Burgeffes, then if the appeale be to all, then the tryall muft be before a felect number of fuch a body and not by the Burgeffes alone, becaufe the appeale is gen^l

The houfe adjournes untill the afternoon

Post merid:

A MESSAGE from the gouern^r in thefe words viz^t
M^r *Speaker* haueing recd a Comand from his Ma^{ty} for difbanding the Soldiers here unlefs the gen^l Aff^{ly} fhould think fitt to continue them on the Countreys pay & haueing fome time fince defired yo^r aduice in it. I expect yo^r refolu^{con} precifely by 5 of the Clock in the afternoon of this pr^{nt} 24th of *Aprill* it being
of

1. This is evidently a miftake for Court of Piepowders, "a fummary court formerly held at fairs and markets to adminifter juftice among itinerant dealers and others temporarily prefent." (See *Murray's New Englifh Dictionary*.)

of great importance that the foldiers should be discharged since his Maty has declared he will pay them noe longer then to the 1st of this instant *Aprill*:

Apr: 24th 1682:

Hen Chicheley

This house haueing read the late meffage from the R^t hon^{ble} the Governour directed in the aboue recited words & haueing confidered the importance thereof doe make humble answer to yo^r hon^r, that that part of his Ma^{ties} Letter sent by yo^r hon^r to this house on *friday* last in the afternoon they have Committed to a Com^{tee} to confider and report, who haue alsoe in charge & directione to enquire into the State and Condiçon of the Countrey and the agrevances y^{of} and report the same to y^e end the best courses may be taken for redrefs and security for the whole the w^{ch} when done they will forthwith signifye the same to yo^r hono^r and the hon^{ble} Councill and doe now againe signifye to yo^r hono^r that they continue the same resolute and humbly report to yo^r hono^r that they humbly suppose the other parts of his Ma^{ties} Letter relateing to the foldiers directs and Commands the manner (as is usuall in such cases) of first paying of their quarters, and then paying the foldiers the remainder of their pay, and not to disband them till such paym^{ts} are made w^{ch} this house humbly conceiues is not yett done, nor cannot very suddainly be performed, and that whilst necessary time is spent in the performance thereof this house will wholly devote themselues to enquire into the State and condiçon of the Countrey, to the end they may the better know how they may giue due answer whether to continue or discontinue the Soldiers, and doubt not but as soon as yo^r hon^r shall be able to certifiye them of y^r quarters being discharged, and Soldiers pd of and thereby in readines to be disbanded they shall alsoe be in Readines if not before that time to giue yo^r hon^r their full resolve and humble answer to that part of his Matyes letter, which is come to their knowledge, till when they humbly hope it is noe hinderance to the paying of their quarters and Salaries and pray they may therefore not be precipitated to giue an inconsiderate answer in foe waighty an affaire.

Ordered that Collo S^t Leger Cod, Maj^r John West & M^r Tho Gouldman doe forthwith carry to his honor the resolve of this house in ans^w to his late meffage to M^r Speaker

They carry the meffage and returne & report to the house that they haue d'd the same to the Govern^r sitting in Councill

Ordered that the Committee of greiuances doe fitt *de die in diem*

The house adjournes till afternoon: or in case the drum beat not this evening then to morrow morning second drum

April 25th 1682

MR Speaker offers to the Consideraçon of this house that there is late intelligence come to towne that fforraigne Indians haue lately bin and now are disturbing the *Maryl^d* inhabit^{ts} and whether the enquiry into the truth thereof be not necessary, to the end if the same be true it may not be found needfull to add that as a further reason to the hon^{ble} Govern^r, why he will not foe suddainly prefs an answer to his Maties letter relateing to y^e continueing or discontinueing of the Soldiers

The question whether the Committee of greiuances be sent for to giue their immediate attendance in the house or not

The Com^{tee} appointed to inspect the Records are ordered to meet and fitt *de die in diem*

Resolved in the negatiue:

The house adjournes to the beat of drum.

Post merid:

MR Speak^r acquaints the house that a little before dinner he recd a meffage from the Gouern^r by the Cl^o of the Councill desiring him that as soon as the house mett to giue him notice

Coll^o W^m Bird, & Cap^t Jo^s Matthews are sent by the house to acquaint the Govern^r that the house are mett

A bill for ascertaining the bounds of *James City*, and granting immunities to the same &c read in the house

The question shall the bill pass

Resolved in the affirmative, *nemine Contradicente*

A bill prohibiting Justices that are Collectors from taking the list of tytheables read in the house

A message from the Govern^r by M^r *Edw^d Chilton viz^t*

M^r *Speaker* The Govern^r expects yo^{rs} and the house of Burgeses attendance vpon him in the Courthouse immediately.

M^r *Speaker* and the house goe to attend his hono^r

They returne back

M^r *Speaker* acquaints the house that it hath pleased the Govern^r to prorogue this Aff^{ly} untill the 10th of *November* next, and soe bids them all heartily farewell:

Hereafter follows the words of his Ma^{ties} Letter read by M^r Secretary *Spencer* to M^r *Speaker* and the house of Burgeses in y^e open Courthouse:

Charles Rex

Trusty and welbeloued wee greet you well, Whereas wee intend within few moneths to direct our Right Trusty and welbeloued *Thomas L^d Culpeper* to repaire into his governm^t of our Colony of *Virg^a* with the Significations of our pleasure upon the severall particulars proposed unto us by him concerning the same, Wee have therefore thought fitt hereby to direct and Require you not to call an Aff^{ly} or ¶mitt them to sitt vntill the 10th of *November* next ensueing the date hereof, Vnles by the Consent of seauen or more of our Councill you shall find it necessary to conveen the same before that time, and soe wee bid you farewell: Giuen at our Court at *Whitehall* the 21st of *January* 1681 / 2 and in the 33^d yeare of our Reigne

The direction was *viz^t*

To S^r *Henry Chicheley* Kn^t our L^t Govern^r and Comander in Cheife of our Colony of *Virg^a*

Which being read the Govern^r said thus

In pursuance of this lett^r and obedience to his Majest^{ies} com^{ds} I doe prorogue you to the said tenth day of *November* next.

ATT A GENERALL ASSEMBLY

Began att *James Citty* the 10th day of *Nouember* 1682 These
ffollowing Orders of publique charge and leuy were made

<i>Lower Norfolke County</i>	Tobacco lbs.
To y ^e County for laying out y ^e towne according to Law.....	540
To 6 troopers 9 daies by the R ^t Hon ^{ble} the Dep ^{ty} Gouern ^r order.....	2040
	<hr/> 2580

<i>Rappahanock County</i>	
To the County for laying out the towne according to Law.....	540
To Coll <i>Cadwallader Jones</i> for a horfe & mare killed att y ^e Garrison.....	2160
To ditto for entertaining y ^e <i>Seneca</i> Indians by the Gouern ^r s order.....	5400
To <i>Thomas Swinborne</i> for a horfe killed att y ^e Garrison.....	1080
To <i>Henry Williamfon</i> for a horfe dead att y ^e Garrison.....	1080
To <i>Robert Tomlin</i> for ditto according to appraifement.....	2000
	<hr/> 12260

<i>Northampton County</i>	
To Co ^{ll} <i>Daniell Jenifer</i> for laying out the towne.....	540
To <i>Nath^l Walker</i> for himfelfe boate & hands bringing publique Letters to his Excellency to <i>Greene Spring</i>	648
To ditto for 16 ^{lb} <i>Sterling</i> pay for 8 men by y ^e R ^t Hon ^{ble} S ^r <i>W^m Berkeleys</i> ord ^r being Referred from laft affembly to this.....	3456
To ditto for difburfements for accompt of the publique.....	1080
To <i>Agnes Powell</i> for a drum & piftoll loft in y ^e Countries Seruice.....	302
	<hr/> 6026

<i>Accomack County</i>	
To Co ^{ll} <i>Daniell Jenifer</i> for laying out the towne.....	540
To Cap ^t <i>Edm^o Scarburgh</i> for Juries & publique Seruice.....	4354
	<hr/> 4894

<i>Elizabeth Citty County</i>	
To <i>Adam Bowtewell</i> for Conueying a prifoner from Coll <i>Morrisons</i> to Coll: <i>Coles</i>	216
To <i>Samuell Peirce</i> for Conueying a letter of importance to the Countrie to Coll <i>Bacons</i>	113
	<hr/> 329

<i>Surry County</i>	
To <i>W^m fforeman</i> for publique Meffages by the Govern ^r s order.....	162
To M ^r <i>francis Mafon</i> Sherriffe for Jurors fees & other difburfements.....	2268
To <i>Nich^o Withrington</i> fferryman for transporting Indians.....	950
	<hr/> 3380
	To

Tobacco lbs.

To <i>Thomas Busby</i> Interpreter for 2 yeares & halfe.....	10000
To ditto for Indians accomodation att <i>D^r Lees</i>	1170
To ditto for Indians accomodation att <i>M^r Rablyes</i> wth Cask for both.....	1000
To ditto for 4 Matchcoates paid Indians by the <i>Gouern^rs</i> order.....	432
	<hr/>
	12602

Warwick County

To the County for laying out the towne.....	540
To <i>W^m Cole Esq^r</i> for a horse loft at <i>James Riuer Garrison</i>	1296
To y ^e <i>Seuerall</i> <i>¶</i> fons hereafter named for carrying publique Letters and other publiq Seruices Viz ^t <i>Jⁿ Gammon</i> 108 <i>Jⁿ Gibbs</i> 108 <i>Rich^d Bigby</i> 54 <i>James Loyd</i> 75 <i>Jⁿ Brown</i> 32 <i>James Cathon</i> 32 <i>Jⁿ Mallecott</i> 16 <i>W^m Mott</i> 226 <i>Jⁿ Prickloue</i> 48 <i>Jⁿ Ridge</i> 16 <i>Rob^t Holeman</i> 48 <i>W^m Townsend</i> 48 <i>Sam^l Chappell</i> 48 <i>Kathary Chappell</i> 32 <i>Jⁿ East</i> 16 <i>W^m Merriott</i> 64 <i>W^m Draper</i> 64 all.....	1035
To Cap ^t <i>John Langhorne</i> Sherriffe for publique Seruice.....	650
To Cap ^t <i>John Matthews</i> <i>¶</i> ditto.....	945
To M ^r <i>ffrancis Rice</i> for Impreffing man & horse.....	40
	<hr/>
	4506

To the Seuerall Garrisons as ffolloweth

To M ^r <i>George Brent</i> & M ^r <i>W^m ffitzhugh</i> undertakers for <i>Potomeck</i> Garrison for themfelues Commanders officers Soldiers and Indians according to Law.....	174832
To ditto for Caske for the faid Tobacco.....	14786
To ditto for arrears of caske not allowed in 1680.....	3695
To Cap ^t <i>Geo: Cooper</i> for disbursem ^{ts} for Sundry <i>¶</i> ticulars for y ^e use of <i>potomeck</i> Garrison & for fixing of armes & keeping 2 Indian prifoners..	4200
To M ^r <i>Geo: Brent</i> & M ^r <i>W^m ffitzhugh</i> for one Moneth <i>¶</i> uifion for 40 Supernumeray Soldiers att <i>potomeck</i> Garrison being the time they Continued there before they could bee disbanded, after y ^e Law made for y ^e Same, & alfo for a L ^t & Cornetts pay one month y ^e fame time.....	8046
To Coll <i>W^m Byrd</i> undertaker for <i>James Riuer Garrison</i> for himfelfe Commander officers foldiers & Indians according to law.....	174832
To Caske for the faid Summe.....	14786
To ditto for 5 horfes loft & to an Indian <i>¶</i> cure of a wounded man.....	6048
To ditto for almost a monthes <i>¶</i> uifion for 40 supernumerary foldiers.....	6480
To ditto for a moneths pay for a L ^t & Cornett being y ^e time they ferued after they ferued in 1680 before they could bee disbanded.....	1566
To M ^r <i>Abell Gower</i> Chirurgion att <i>James Riuer Garrison</i> for 25 daies after hee was paid in 1680 and before his discharge.....	764
To Cap ^t <i>John Langhorne</i> undertaker for <i>Mattaponi</i> Garrison for prouifions according to Law caske included.....	89998
To ditto for arrears of caske in 1680.....	1400
To Coll <i>George Lyddall</i> for himfelfe as Comander of <i>Mattaponi</i> Garrison officers foldiers horfes Indians and arrears of caske in 1680 according to Law caske included.....	104330
To ditto for diuers disbursements att y ^e faid Garrison.....	4266
To Maj ^r <i>Rob^t Beuerly</i> undertaker for <i>Rappahanock</i> Garrison for himfelfe the Comander officers foldiers Indians Boates and all other disbursements for y ^e faid Garrison w th caske included.....	188844
To ditto for laying out <i>Gloc^r</i> and <i>Middlesex</i> Townes.....	1080

Iste

Isle of Wight County

Tobacco lb.

To Maj ^r <i>Allen</i> for laying out y ^e towne.....	540
To Cap ^t <i>Henry Applewaite</i> Sherriffe for y ^e whole charge of Boate Jurors Euidences &c aboute y ^e Criminall <i>Gileris</i>	5697
	<hr/> 6237

Yorke County

To Coll <i>John Page</i> for 2 barrells of meale for his Maj ^{ties} foldiers transported to <i>Potomeck</i> and <i>Rappahanock</i> Garrisons	259
To Maj ^r <i>Otho Thorpe</i> Sherriffe for feuerall disbursement ^{ts} and Seruices to the publique for the Garrisons use.....	1081
To M ^r <i>Francis Page</i> Sherriffe for publique Seruices.....	2494
To W ^m <i>Coman</i> for Boate &c. hands 3 daies in publique Seruice.....	129
To <i>Robert Roberts</i> for publique Seruice.....	486
To M ^r <i>Rob^t Cobb</i> Sherriffe for publique Seruice.....	2003
To M ^r <i>Richard Moor</i> Sub Sherriffe for publique Seruice.....	3834
To M ^r <i>Rob^t Read</i> & <i>George Robinson</i> for passages of diuers <i>Persons</i> ouer <i>Yorke</i> fferry on y ^e publique Seruice.....	1765
To Coll <i>Nathaniell Bacon</i> for 4lb 10 ^s <i>Starling</i> paid <i>John Ely</i> for porke imprest for the use of his Maj ^{ties} Soldiers	963
	<hr/> 13014

Charles Citty County

To Coll <i>Daniell Clerke</i> for his horse imprest for 4 daies.....	86
To M ^r <i>James Minge</i> for laying out y ^e towne.....	540
	<hr/> 626

Gloucester County

To <i>Abraham Cluny</i> sub Sherriffe for publique Seruice.....	1404
To <i>James Crabtree</i> for pressing boate & hands & conueying publiq lett ^{rs}	184
To M ^r <i>Dunbar</i> for fferrying diuers <i>Persons</i> on y ^e publique accompt.....	1738
To ditto for his Sloope prouisions money & Seruices aboute the priuateers..	1555
To <i>Edward Creffild</i> for 12 daies in Conueyance of Criminalls.....	453
To W ^m <i>Elliott</i> Sub Sherriffe for himselfe 6 men & a boy in bringing the Affsembly Records to towne.....	1101
To M ^r <i>Ri: Younges</i> estate for a horse dead att <i>Rappahanock</i> Garrison....	1080
To W ^m <i>Chapman</i> a poor man hurt & difabled in the Countries Seruice according to a former order of affsembly.....	1080
	<hr/> 8595

New Kent County

To <i>Edm^o Bankes</i> for ferrying on the publique accompt	3951
To <i>Edm^o Bacon</i> for prouisions for Almost one moneth for 40 Supernumerary foldiers att <i>Mattapony</i> Garrison.....	6480
To <i>Benj^e Birckley</i> for a horse dead att the Garrison.....	1080
To <i>Cornelius Daubney</i> as interpreter upwards of two yeares.....	9000
To Coll <i>Nath^l Bacon</i> for Tobacco paid <i>John Babb</i> for transporting his Maj ^{ties} foldiers to <i>Mattapony</i> Garrison.....	2160
To <i>David Wickliffe</i> as interpreter for two yeares.....	8000
To <i>Richard Tunstall</i> for a Steer imprest for y ^e Countries Seruice.....	648
To <i>Moses Davis</i> for y ^e use of his house in quartering Soldiers.....	432
To <i>Cornelius Daubney</i> <i>Stephen Tarlton</i> <i>Robert Anderson</i> <i>John ffleming</i> <i>Peter</i> <i>Musly</i> and <i>Moses Davis</i> Jurors aboute the Criminall <i>Blackwell</i>	2721
	To

	Tobacco lbs.
To the County for laying out the towne.....	540
To W ^m Meredith Carpenter for worke att <i>Mattaponi</i> Garrison.....	577
To Christopher Carlton & ditto.....	577
To Maj ^r Morris & Cap ^t Mallory for prouision for them.....	638
To W ^m Atkinson fierryman transporting on y ^e publique accompt.....	297
To Rob ^t Sorrell for a horfe dead att <i>Mattaponi</i> Garrison.....	1080
To William Phillips for prouisions for the Countries Seruice.....	1296
To M ^r Charles Turner for 5 hoggs impreft by the Gouvern ^r s order for the use of the publique.....	540
	<hr/> 40017 <hr/>

Westmerland County

To M ^r Lawrence Washington for a horfe & armes loft att <i>Potomeck</i> Garrison according to appraifement.....	3600
To J ⁿ Price for a horfe loft att y ^e f ^d Garrison & apprifement.....	2300
To y ^e widd ^o of <i>Randoll Kirke</i> for publique Meffages.....	678
To <i>Tho Pope</i> for a horfe loft in y ^e Garrison according to Apprifem ^t	3024
To Vincent Cox for a horfe loft there according to apprifement.....	2620
To M ^r Spence for impreffing & Conueying foldier to <i>Rapp^a</i> Garrison.....	1080
	<hr/> 13302 <hr/>

Middlesex County

To Richard Drew Thomas Penny and J ⁿ Rascomb for yo ^r attendance att towne as euidences for his Maj ^{ty} againft <i>ffloyd</i>	777
To Maximilian Petty Sub Sherriffe for publique Seruice.....	3639
To Coll Cuthbert Potter Sherriffe for Conueying prifoners.....	2084
To Maj ^r Beuerly for Tobacco by him p ^d to y ^e Sherriffe for Runawaies the fame not being before leuyed.....	1000
	<hr/> 7500 <hr/>

Henrico County

To Maj ^r <i>Tho Chamberlaine</i> for his trouble man horfes 8 Indians in feekeing one <i>Phillip German</i> Supposed to bee murdered and goeing to Seuerall Indian townes & to <i>Carolina</i> by y ^e Hon ^{ble} Gouvern ^r s order being on y ^e faid feruice fix weekes.....	3240
To y ^e Sherriffe for Jurors wittneffes &c aboute a Criminall.....	4500
To the County for laying out y ^e towne.....	540
	<hr/> 8280 <hr/>

Nanfemond County

To Co ^{ll} John Lear for prouision in y ^e Countries Seruice.....	4015
To the County for laying out y ^e towne.....	540
To Thomas Jernegan for Carrying a letter to <i>Carolina</i>	432
	<hr/> 4987 <hr/>

Stafford County

To <i>Tho: Odenill</i> for a horfe dead in y ^e Countries Seruice.....	1296
To M ^r <i>ffra: Hamersley</i> for Tob allowed M ^r Brent & not raised in 1680.....	1728
	<hr/> 3024 <hr/>

Northumberland County

To J ⁿ Julian Chirurgion of <i>Potomeck</i> Garrison for 25 daies.....	764
To M ^r J ⁿ Hayny for laying out y ^e towne.....	540
To	To

Tobacco lbs.

To Cap ^t <i>Tho: Matthews</i> for transporting letters betwene y ^e R ^t Hon ^{ble} Gouern ^r & y ^e Lord <i>Baltimore</i> & for entertaineing y ^e Secretary of <i>Mari-</i> <i>land</i> , when on publiq Service.....	1058
To <i>Jos: Long</i> his Expence as Euidence ag ^t y ^e priuateers y ^e Courte.....	712
	<hr/> 3074

Lancaster County

To Cap ^t <i>W^m Ball</i> for arreares of caske.....	2786
To M ^r <i>George Hayle</i> for laying out the towne.....	540
To <i>Thomas Chowny</i> for ferrying men & horfes by y ^e Gouern ^r s order.....	129
To ditto p expences of Messengers on y ^e publique by Coll <i>Lees</i> order.....	194
	<hr/> 3649

James Citty County

To the Hon ^{ble} Secretary for 45 writts for the Election of Burgeffes att 350 p writt according to Law.....	15750
To <i>Jⁿ Tallent</i> for transporting foldiers to <i>James Riuer Garrison</i>	1034
To <i>Rob^t Peters</i> for one daies worke in the publique Service.....	20
To <i>Dan^l Workeman</i> for 127 ^{lb} of porke for y ^e said Soldiers.....	205
To <i>W^m Brisco Smith</i> for worke aboute y ^e prifon and prifoners.....	3601
To Cap ^t <i>Armiger</i> for 4 mens expences who brought y ^e Records.....	501
To <i>Bridges ffreeman</i> for ferrying on y ^e publique accompt.....	464
To Maj ^r <i>Samuell Weldon</i> Sherriffe of <i>James Citty County</i> for his attendance att Gen ^l Court ^s & other publique Service by him & his officers p formed <i>Nouem^r Gen^l Court</i> & affembly not included.....	31940
To <i>Tho: Rabbly</i> for 7 men & horfes bring <i>Harrison</i> & <i>Manly</i> prifon ^{rs} to towne	756
To ditto for his Sloope men & prouifions 14 daies carrying the Countries powder to <i>Newport News</i>	1512
To ditto for his Entertainement of Indians.....	388
To M ^r <i>W^m Sherwood</i> & M ^r <i>Tho: Rably</i> for rent of 120 foote of houseing att <i>Middle plantation</i> being in full for one year and 9 moneths ending the 25 ^o <i>Decemb^r Infant</i>	3780
To <i>Rob^t Wilfon</i> Drummer for 2 yeares & an halfe attendance on the Generall Courte & affembly.....	8640
To Cap ^t <i>W^m Armiger</i> for the ufe of y ^e Affembly Roome this Seffion and <i>Aprill</i> laft & for the Councell Chamber Candles &c.....	16200
To M ^r <i>Thomas Clayton</i> for his Chamber for y ^e Comittees this Seffion and <i>Aprill</i> laft.....	2160
To M ^r <i>Sanderfon</i> late Sherriffe of <i>James Citty</i>	8312
To <i>Thomas Rably</i> a <i>dutchman</i> for 9 daies to carry bedding to the Garrison for the foldiers.....	194
To <i>Jⁿ Seabright</i> for his Seruant for the fame.....	194
To <i>Robert Afhurft</i> 10 daies goeing to the Honourable Secretary.....	378
To <i>Hugh Owen</i> being Comanded by the Hon ^{ble} L ^t Gouern ^r in order to y ^e fuppreffion of y ^e late disturbances and for feueral difbursements.....	1836
To Doctor <i>Lee</i> for entertaineing 2 foldiers by y ^e Gouern ^r s order.....	658
To Coll <i>William Browne</i> for 2 yeares and $\frac{1}{4}$ Rent for the Generall Court office	4860
To M ^r <i>Henry Gawler</i> for prouifion for Indians.....	129
To M ^r <i>John Seabright</i> for the fame.....	270
To M ^r <i>Edward Chilton</i> for his care and paines in fettling and alphabetting the Records in the Secretaries office & for Recording many publique letters and papers and Proclamations and all other publique Services to this day.....	20000
	To

	Tobacco lbs.
To Robert Bradly Clerke of a Comittee for this Seffion and Aprill and p^{a} cask	6480
To Lancelott Bathurst for ditto.....	6480
To W ^m Bolton Clerke of a Com ^{tee} for this Seffion assigned Coll Bacon.....	4320
To William Randolph Clerke of a Comittee for this Seffion and Aprill and p^{a} caske.....	6480
To M ^r Tho Blayton C ^l of a Com ^{tee} for this Seffion & p^{a} caske.....	4320
To Lazarus Thomas doorkeeper for this Seffion and Aprill.....	2430
To Joseph Preston doorkeeper p^{a} ditto.....	2430
To John Hobson p^{a} ditto.....	2430
To Thomas Morris p^{a} ditto.....	2430
To George Southing in Rappahanock.....	5000
To M ^r George Lee for a Chamber for y ^e Com ^{tee}	1000
To feuerall Jurors in Gloc ^r County Viz ^t To John Bremer John Caruer Augustine Hart Thomas Boswell and W ^m Smith each of them 180 in all.....	900
To Maj ^r Beuerly C ^l of the Affembly in Aprill last.....	6000
To M ^r Speaker for 2 Affemblyes.....	21600
To the p ^r sent C ^l of the Affembly.....	21600
To Cap ^t Thomas Gardner.....	5000
To Maj ^r Ro: Beuerly mistaken by the Com ^{tee} in the casting his accompt of the Garrison.....	6000
To John Kinborough of New Kent his pension 2 yeares.....	2160
To Edward Harrison C ^l of a Comittee.....	2000

The publique Charge for the takeing up Runawaies this p ^r sent year 1682.	
To Seuerall p ^r sons as p^{a} the Reporte of the Com ^{tee} in the Seuerall Counties Viz ^t of Henrico.....	1300
To ditto in Charles Citty County.....	7100
To ditto in James Citty County.....	3100
To ditto in Surry County.....	200
To ditto in Isle of Wight County.....	1000
To ditto in Nanfemond County.....	1600
To ditto in Lower Norfolke.....	5800
To ditto in Elizabeth Citty County.....	1400
To ditto in Warwick County.....	4100
To ditto in Yorke County.....	200
To ditto in New Kent County.....	4500
To ditto in Gloc ^r County.....	4200
To ditto in Middlesex County.....	3000
To ditto in Lancaster County.....	1700
To ditto in Westmerland County.....	2600
To ditto in Northumberland County.....	1000
To ditto in Rappahanock County.....	200
To ditto in Accomack County.....	3200
To ditto in Northampton County.....	400
	<hr/>
	46600

These Somes ffollowing being in Deposito in the hands of the feuerall persons hereafter named being deducted out of the whole Summe of the publique charge Viz ^t	
In the hands of Coll William Byrd.....	832
	In

	Tobacco lbs.
In the hands of Coll <i>George Mason</i> of <i>Stafford</i>	596
In the Court of <i>Lower Norfolk</i>	10908
	<hr/> 12336
The Summe of all the tithables being 15162 att 89 $\frac{7}{8}$ pole amounts to....	1349418
Which is proportioned to bee paid in the Seuerall Counties of this Country as followeth	
<i>Henrico</i> County 471 tithables att 89 $\frac{7}{8}$ pole is.....	41919

To the Sherriffe for Sallery.....	3811
To Maj ^r <i>Thomas Chamberlaine</i>	3240
To the Sheriffe for Jurors wittneffes &c.....	4500
To the County for laying out y ^e towne.....	540
To Jn ^o <i>Watson</i> 200: to W ^m <i>Hatcher</i> 200 Runaway.....	400
To <i>Lewis Watkins</i> 200 to <i>John Watkins</i> 200 $\frac{7}{8}$ ditto.....	400
To <i>Hugh Davis</i> 200 <i>ffrancis Ally</i> 200 $\frac{7}{8}$ ditto.....	400
To <i>Giles Carter</i>	200
To Cap ^t <i>Randolph</i>	3955
To Coll W ^m <i>Byrd</i>	24573
	<hr/> 42019

Charles Citty County

Tithables 714 att 89 $\frac{7}{8}$ pole is.....	63546
To the Sherriffe for Sallery.....	5777
To M ^r <i>Thomas Blayton</i>	4320
To Coll W ^m <i>Byrd</i>	45723
To Coll <i>Daniell Clerke</i> for his horse imprest	86
*To Law: <i>Buckner</i> 2 Runawaies 400.....	400
To <i>Edward Phillips</i> 1 ditto 200.....	200
To W ^m <i>West</i> 1 ditto 200 to <i>James Bankes</i> 1 ditto 200.....	400
To W ^m <i>Stroude</i> 1 ditto 200 to <i>James Tigbin</i> 1 ditto.....	400
To <i>Drury Stitch</i> 1 ditto 200 Jn ^o <i>Parrish</i> 1 ditto 200.....	400
To Jn ^o <i>Hodges</i> 1 ditto 200 <i>Edu^d Jordan</i> 1 ditto 200.....	400
To <i>Edu^d Reddish</i> 3 ditto 600 <i>Tho: Hockady</i> 2 ditto 400.....	1000
To <i>John Turner</i> 1 ditto 200 <i>James Gunn</i> 1 ditto 200.....	400
To <i>James Gun</i> 5 ditto 1000 <i>Sam^u Russell</i> 1 ditto 200.....	1200
To W ^m <i>Crofs</i> 1 ditto 200: <i>Sam^u Russell</i> 1 ditto.....	400
To <i>Drury Stitch</i> 1 ditto 200 Jn ^o <i>Parrish</i> 1 ditto 200	400
To <i>Tho Davis</i> 1 ditto 200 <i>Walter Shipty</i> 1 ditto 200.....	400
To <i>John Turner</i> 1 ditto 200 <i>Walter Shipty</i> 1 ditto 200.....	400
To <i>Boufer</i> 1 ditto 200 <i>Walter Shipty</i> 1 ditto 200.....	400
To <i>Jofhua Meachum</i> 1 ditto 200 Jn ^o <i>Baxter</i> 1 ditto 100	300
To M ^r <i>James Ming</i> for laying out y ^e towne.....	540
	<hr/> 63546

James Citty County

Tithables 982 att 89 $\frac{7}{8}$ pole is.....	87398
To Sallery for Collecting.....	7945
To <i>John Tallent</i>	1034
To <i>Rob^t Peters</i>	20
To <i>Daniell Warkman</i>	205
To <i>Bridges ffreeman</i>	464

To

	Tobacco lbs.
To Robert Wilfon	8640
To M ^r Sherriffe in parte	25000
To M ^r Speaker	10800
To Tho: Rably a dutchman	194
To Robert Ashurst	378
To Hugh Owen	1836
To Doctor Lee	658
To Henry Gawler	129
To John Seabright	270
To Doctor Lee more	1000
To Charles Barham 1 Runaway 100 Ed Callis 1: 200	300
To J ⁿ Bell 1 ditto 200: Edward Challis 1 ditto 200	400
To Thomas Berry 1 ditto 200 Tho Atkinson 1 ditto 200	400
To J ⁿ Baptift 1 ditto 200 Rob ^t Bradly 1 ditto 200	400
To Henry Walling 1 ditto 200 Wm Bond 2 ditto 400	600
To John Hickes 1 ditto 200 J ⁿ Warbleton 1 ditto 200	400
To Mich ^l Withers 1 ditto 200 J ⁿ Maynor 1 ditto 200	400
To Robert Greene 1 ditto	200
To Lazarus Thomas doorkeeper	2430
To Joseph Preston doorkeeper	2430
To John Hobson doorkeeper	2430
To Thomas Morris doorkeeper	2430
To Rob ^t Bradly	4000
To Coll W ^m Byrd	12005
	<hr/> 87398

Surry County

Tithables 486 att 89 $\frac{3}{4}$ pole is	43254
To George Prince one Runaway	200
To W ^m fforeman	162
To M ^r ffrancis Mafon	2268
To Nich ^o Withrington	950
To Thomas Busby for Seuerall	11602
To L ^t Coll Milner	5600
To Coll W ^m Browne	4860
To Coll W ^m Byrd assigned John Green	1080
To the Sherriffe for Sallery	3932
To Coll Lear assigned M ^r Hartwell	2215
To Co ^{ll} Byrd	10385

43254

Isle of Wight County

Tithables 735 att 89 $\frac{3}{4}$ pole	65415
To the Sherriffe for Sallery	5947
To Maj ^r Arthur Allen for laying out y ^e towne	540
To Cap ^t Applewaite for disburfem ^{ts} $\frac{3}{4}$ a Criminall	5697
To Rich ^d Reynolds 1 Runaway 200 Jacob Darden 2 ditto	600
To Edm ^o Hinton 1 ditto 200 Edw ^d Hinckson 1 ditto	400
To L ^t Coll Thomas Milner	8000
To Coll W ^m Byrd	25697
To Cap ^t Langhorne	2065
To M ^r Speaker	4787

To

	Tobacco lbs.
To Coll Lyddall.....	10955
To Henry Gawler.....	727
	<hr/> 65415

Nanfemond County

Tithables 755 att 89 $\frac{3}{4}$ pole is.....	67195
To the Sherriffe for Sallery.....	6108
To Coll Lear for prouision.....	1800
To the County for laying out the towne.....	540
To Tho Jernegan for carrying publique letters.....	432
To George ffloyd 2 Runawaies.....	400
To John Babb 1 ditto.....	200
To Lawrence Gonfallus 3 ditto.....	600
To John ffeereby 2 Ditto.....	400
To L ^t Coll Milner C ^l Aff ^{bly}	3000
To Coll W ^m Byrd.....	51015
To M ^r W ^m ffithugh.....	2700
	<hr/> 67195

Lower Norfolk County

Tithables 694 att 89 $\frac{3}{4}$ pole is.....	61766
A Deposito in the Court Ann ^o 1680.....	10908
	<hr/> 72674

To Sallery.....	5615
To the County for laying out y ^e towne.....	540
To 6 troopers 9 daies.....	2040
To J ⁿ Hopwood 3 Runawaies Adam Keeling 5 ditto.....	1600
To J ⁿ Sulliuant 1 ditto Henry Spratt 1 ditto.....	400
To W ^m Chichester 1 ditto Henry Spratt 2 ditto.....	600
To John Sulliuant 3 ditto Jacob Johnson 4 ditto.....	1400
To Rich ^d Bonny 2 ditto 400 to W ^m Wallis 1 ditto 100.....	500
To Tho: Morris 1 ditto 100 Tho Mafon 1 ditto 200.....	300
To Coll Adam Thoroughgood 4 ditto.....	800
To Langley 1 ditto.....	200
To Coll W ^m Byrd.....	25932
To M ^r Edward Sanderfon.....	8312
To Maj ^r Sam ^l Weldon Sherr: James Citty.....	4204
To W ^m Brisco.....	3601
To Edward Harrifon.....	2000
To Rob ^t Bradly.....	2480
To M ^r W ^m Sherwood & Tho Rably.....	3780
To M ^r Thomas Rably.....	2656
To M ^r Thomas Clayton.....	2160
To M ^r J ⁿ Seabright.....	194
To W ^m Bolton affigned Coll Bacon.....	3360
	<hr/> 72674

Elizabeth Citty County

Tithables 287 att 89 $\frac{3}{4}$ pole is.....	25543
To Sallery.....	2322
To Adam Boutewell 216 to Sam ^l Peirce 113.....	329

To

Tobacco lbs.

To Baldwin Sheppard 200 to Gabriell Dunn 200.....	400
To Mr Tho: Wyth 200 to John Pehim 200.....	400
To Maj ^r Wakelyn 200 to Tho Jones 200.....	400
To John Sheldon.....	200
To Coll W ^m Byrd assigned Cap ^t Armistled for y ^e Com ⁿ	7312
To Cap ^t Jn ^o Langhorne in ³ / ₄ for Mattaponi Garrison.....	14180
	<hr/>
	25543

Warwick County

Tithables 306 att 89 ³ / ₄ pole.....	27234
To Sallery.....	2475
To the County for laying out y ^e towne.....	540
To Coll W ^m Cole.....	1296
To Jn ^o Gamon 108 Jn ^o Gibbs 108.....	216
To Richard Bigby assigned Mr Bolton.....	54
To James Loyd 75 to John Browne 32.....	107
To James Cathon 32 to John Mallicott 16.....	48
To W ^m Mott 226 to John Pricklo 48.....	274
To Jn ^o Ridge 16 to Rob ^t Holeman 48.....	64
To W ^m Townsend 48 to Sam ^l Chappell 48.....	96
To Zachary Chappell 32 to Jn ^o East 16.....	48
To W ^m Merriott Jun ^r 64 to W ^m Draper 64.....	128
To Cap ^t Langhorne late Sherriffe.....	650
To Cap ^t Matthews now Sherriffe.....	945
To Mr ffancis Rice.....	40
To Cap ^t Jn ^o Langhorne for Mattapony Garrison.....	16153
To Mr Hen Cary 300 to Jn ^o Perkins 100 Chr: Crompton 200...	600
To Symon Robinson 100 Xpher Muschamp 400 Jn ^o Wyn 200....	700
To W ^m Ellingsworth 100 Thomas Merry 600.....	700
To John Badgett 200 Matthew Jones 200.....	500
To Jn ^o Linton 600 Jude Morgan 200.....	800
To ffancis Rotherick 200 Rob ^t Browne 600.....	800
	<hr/>
	27234

Yorke County

Tithables 1041 att 89 ³ / ₄ pole is.....	92649
To Sallery.....	8422
To Coll Jn ^o Page for meale &c.....	259
To Maj ^r Otho Thorpe for disbursements &c.....	1081
To Mr ffancis Page Sherriffe.....	2494
To W ^m Coman.....	129
To Robert Roberts.....	486
To Mr Robert Cobb Sherriffe.....	2003
To Mr Richard Moor under Sherriffe.....	3834
To Mr Rob ^t Read & George Robinson.....	1765
To Coll Nath ^l Bacon.....	963
To Thomas Rece 1 runaway.....	200
	<hr/>
To Cap ^t Jn ^o Langhorne.....	59000
To L ^t Coll Milner C ^l of the Assembly.....	5000
To Thomas Busby assigned to Maj ^r Thorpe.....	1000
To Mr Speaker.....	6013
	<hr/>
	92649

New

New Kent County

Tobacco lbs.

Tithables 1802 att 89 $\frac{3}{4}$ pole.....	160378
To Sallery.....	14580
To <i>Edmund Banckes</i>	3951
To <i>Edm^o Bacon</i> for prouifion &c.....	6480
To <i>Benjamin Buckley</i> for a horfe.....	1080
To <i>Cornelius Daubny</i> interpreter in full.....	9000
To <i>Coll Bacon</i> for T ^{ob} paid <i>Jn^o Babb</i> &c.....	2160
To <i>Richard Tunftall</i> for a Steer.....	648
To <i>Mofes Davis</i> for the ufe of his houfe &c.....	432
To <i>Cornelius Daubney Stephen Tarlton Rob^t Anderson Jn^o ffleming</i> <i>Peter Maffy & Mofes Davis</i> Jurors.....	2721
To the County for laying out the towne.....	540
To <i>W^m Meredies</i> Carpenter.....	577
To <i>Chriftop^r Carleton</i>	577
To <i>Maj^r Morris</i> and <i>Cap^t Mallory</i>	638
To <i>W^m Atkinfon</i> fferryman.....	297
To <i>Robert Sorrell</i> for a horfe.....	1080
To <i>W^m Phillips</i>	1296
To <i>M^r Charles Turner</i> for hoggs.....	540
To <i>Jn^o Kinboroughs</i> penfion.....	2160
To <i>Coll Lyddall</i> for himfelfe and foldiers.....	93375
To ditto for difburfements.....	4266
To <i>George Major</i> and <i>James Moore</i> 1 Runaway.....	200
To <i>Tho: Motly</i> 1 ditto 200 <i>Rob^t Major</i> 1 ditto 200.....	400
To <i>Alexander McKenny</i> 2 Runawaies.....	400
To <i>Thomas Wilkins</i> 1: 200 <i>Tho Dany</i> 1: 200.....	400
To <i>Rich^d Anderson</i> 1 ditto 200 <i>Jn^o Ingram</i> 1 ditto 200.....	400
To <i>Jn^o Epperfon</i> 1: 100 <i>Geo: Alues</i> 1: 200.....	300
To <i>Richard Barrow</i> 1: 200 <i>John Armerer</i> 1: 200.....	400
To <i>M^{rs} Lewis</i> 3: 600 <i>Tho: Motro</i> 1: 200.....	800
To <i>Jn^o Willoughby</i> 1: 200: <i>George Polegreen</i> 1: 100.....	300
To <i>Lancelott Bathurft</i> 1: 200 <i>Hen: Collier</i> 1: 100.....	300
To <i>Rob^t Twine</i> 1: 200 <i>Lyonell Morris</i> 1: 200.....	400
To <i>Edward Walton</i> 1 ditto.....	200
To <i>Edward Chilton</i>	3000
To <i>Lancelott Bathurft</i>	6480
	<hr/> 160378 <hr/>

Gloucefter County

Tithables 2005 att 89 $\frac{3}{4}$ pole is.....	178445
To y ^e Sherriffe for Sallery.....	16222
To <i>Abraham Cluny</i> fub Sherriffe.....	1404
To <i>James Crabtree</i>	184
To <i>M^r Dunbarr</i> for ferrying.....	1738
To ditto for his Sloope &c.....	1555
To <i>Edward Creiffild</i>	453
To <i>W^m Elliott</i> for himfelfe & men bringing y ^e Records.....	1101
To <i>Ri: Youngs</i> eftate for a horfe.....	1080
To <i>W^m Chapman</i> by a former order of Affembly.....	1080
To <i>Jn^o Bremer, Jn^o Caruer, Auguftine Horte Tho: Bofwell, and W^m</i> <i>Smith</i> each of them 180.....	900
To <i>Somerfett Davis</i> 2 runawaies 400 <i>Hen: Pritchard</i> 1 ditto.....	600
To <i>Edward Gwin</i> 1 ditto 200 <i>Edw^d Waller</i> 1 ditto 200.....	400

To

To Charles Roan 3 ditto 600	Edw ^d Waller 1 ditto 200.....	800
To Rob ^t Searle 1 ditto 200	Tho: Royston 2 ditto 400.....	600
To Rob ^t Meredith 1 ditto 200	Jn ^o Browne 2 ditto 400.....	600
To George Ludlow 6	Runawaies.....	1200
To M ^r W ^m Randolph assigned	Rob ^t Beuerly.....	2525
To M ^r Edw ^d Chilton.....		5000
To Cap ^t W ^m Armiger.....		5000
To Coll Cadw ^a Jones Comand ^r of	Rapp ^e Garrifon.....	21000
To M ^r W ^m ffithugh.....		10000
To M ^r Rob ^t Beuerly undertaker for	faid Garrifon.....	65043
To Coll Jones affigne of	Rob ^t Beuerly.....	39000
To W ^m Bolton assigned	Coll Bacon.....	960
		<hr/> 178445

Tobacco 11

Middlesex County

Tithables 546 att 89	⌘ pole.....	48594
To Sallery.....		4418
To Maximilian Petus sub	Sherriffe.....	3639
To Rich ^d Dines Tho: Penny &	John Rafcomb.....	777
To Coll Cuthbert Potter	Sherriffe.....	2084
To Maj ^r Beuerly for	Runawaies.....	1000
To ditto for laying out	Gloc ^r & Middlesex townes.....	1089
To Jn ^o Seares 1	Runawaie Jn ^o Effam 1 ditto.....	400
To W ^m Daubny 2	Runawies Jn ^o Seares 1 ditto.....	600
To Matthew Hudson 2	ditto Elq ^r Wormely 4 ditto.....	1200
To Elq ^r Wormely 1	ditto Richard Day 1 ditto.....	400
To W ^m Summers 1	ditto Jn ^o Refte 1 ditto.....	400
To Rob ^t Beuerly for Error in	casting up.....	6000
To ditto for caske for	1 ^d	480
To ditto for allowance as	Clerke Aprill Affembly.....	6000
To ditto for caske.....		480
To M ^r W ^m ffithugh & M ^r George Brent	undertakers for Potomeck	
Garrifon		19636
		<hr/> 48594

Mem^r the 2 fummes of 480 for caske mentioned to Maj^r Beuerly in this proportion are here to bee paid although not leuyed, being deducted out of his due in Gloc^r County in Leuie thereof

Lancaster County

Tithables 421 att 89	⌘ pole is.....	37469
To Sallery.....		3406
To Cap ^t W ^m Ball.....		2786
To M ^r Jn ^o Hayle for laying out	y ^e towne.....	540
To M ^r Tho: Chewning for	fferrying.....	129
To ditto for expences of	Messengers.....	194
To Henry Rumsey 1	Runaway.....	200
To Charles Dodman 1	ditto Tho Hayden 1 ditto.....	400
To Jn ^o Roades 1	ditto 100 W ^m Nash 1 ditto 200.....	300
To W ^m Therryatt 1	ditto 200 Rob ^t Wilson 1 ditto 200.....	400
To ffra Thornton 1	ditto Rob ^t Shoul ^t 1 ditto.....	400
To M ^r W ^m ffithugh & M ^r Geo: Brent	undertakers for Potomeck	
Garrifon		28714
		<hr/> 37469

Westminster

Westmerland County		Tobacco lbs.
Tithables 695 att 89 p^d pole is.....		61855
To Sallery.....	5623	
To M ^r Lawrence Washington.....	3600	
To John Price.....	2300	
To the Widd ^o of Randoll Kirke.....	678	
To Thomas Pope.....	3024	
To Vincent Cox.....	2620	
To M ^r Spence.....	1080	
To Cap ^t Thomas Gardner.....	5000	
To J ⁿ Baker 1 Runaway W ^m Baker 3 ditto.....	800	
To Nath ^l Pycroft 1 ditto Thomas Reenes 2 ditto.....	600	
To James Hofkin 2 ditto Abraham ffield 1 ditto.....	600	
To Benedi ^a Cole 2 ditto 300 Jonah Williamson 1 ditto 100.....	400	
To John Ward 1 ditto.....	200	
To M ^r Secretary Spencer.....	12000	
To David Wickliffe interpreter.....	4000	
To M ^r George Brent & M ^r W ^m ffitzhugh.....	19330	
		<hr/> 61855

Northumberland County		
Tithables 624 att 89 p^d pole is.....		55536
To Sallery.....	5049	
To John Julian Chirurgion.....	764	
To M ^r J ⁿ Hayney for laying out y ^e towne.....	540	
To Cap ^t Thomas Matthews.....	1058	
To Jofias Long.....	712	
To Rowland Williams 1 Runaway Hen: Gascoin 1 ditto.....	400	
To Tho Matthews 1 ditto John Roach 1 ditto.....	400	
To Ralph Warrington 1 ditto.....	200	
To Cap ^t George Cooper.....	4200	
To Thomas Odonell.....	1296	
To David Wickliffe Interpreter.....	4000	
To M ^r Hamersly.....	1728	
To M ^r George Brent & M ^r W ^m ffitzhugh.....	35189	
		<hr/> 55536

Stafford County		
Tithables 407 att 89 p^d pole.....		36223
Deposito in the hands of Coll Geo Mafon.....		596
		<hr/> 36819
To Sallery.....	3293	
To M ^r W ^m ffitzhugh & M ^r Geo: Brent.....	32930	
The deposito in Coll Mafons hands to bee p ^d to ditto.....	596	
		<hr/> 36819

Rappahanock County		
Tithables 1053 att 89 p^d pole.....		93717.
To Sallery.....	8520	
To the laying out the towne.....	540	
To Coll Cadwallader Jones.....	2160	
To Thomas Swinborne.....	1080	
To Henry Williamson.....	1080	

To

	Tobacco lbs.
To Robert Tomlin.....	2000
To Coll Cadwallader Jones for entertaining Indians.....	5400
To George Southing.....	5000
To Richard Cawthan 1 Runaway.....	200
To Coll Jones.....	40000
To M ^r W ^m ffithugh & M ^r George Brent.....	27737
	<hr/> 93717

Accomack County

Tithables 583 att 89 $\frac{1}{2}$ pole.....	51887
To Sallery.....	4717
To Coll Jenifer for laying out y ^e towne.....	540
To Cap ^t Edm ^d Scarbrough for Jurors &c.....	4354
To John ffenn 1 Runaway Rob ^t West 1 ditto.....	400
To Nath ^l Bradford 1 ditto Hen Read 2 ditto.....	600
To Peter Pritchard 1 ditto Sampson Taylor 2 ditto.....	600
To Ifaac Henman 1 ditto W ^m Thorowton 1 ditto.....	400
To Peter Walker 3 ditto Arthur fframe 1 ditto 100.....	700
To W ^m Smith 1 ditto 100 Nath ^l Macon 1 ditto 200.....	300
To Coll Jenefer.....	200
To M ^r Secretary.....	3750
To Coll Cadwallader Jones Comander of Rapp ^a Garrifon assigned to Maj ^r Beuerly.....	12841
To M ^r W ^m ffithugh & M ^r George Brent.....	584
To M ^r Edward Chilton.....	12000
To Cap ^t W ^m Armiger.....	7165
To Maj ^r Samuel Weldon.....	2736
	<hr/> 51887

Northampton County

Tithables 555 att 89 $\frac{1}{2}$ pole.....	49395
To Sallery.....	4490
To Coll Daniell Jenifer for laying out y ^e towne.....	540
To Nath ^l Walker.....	648
To ditto for 16lb Ster ^t p ^d by S ^r W ^m Berkleys order.....	3456
To ditto for other disbursements.....	1080
To Agnes Powell.....	302
To Walter Mannington 1 Runaway.....	200
To Benjamin Stratton 1 ditto.....	200
To Cap ^t Armiger assigned Coll Kendall.....	4536
To Maj ^r Robert Beuerly.....	4000
To ditto more which is to lye in Deposito in the Collectors hands by ord ^r of the Generall Affembly.....	6000
To M ^r Geo: Brent & M ^r W ^m ffithugh.....	23943
	<hr/> 49395

This is a true Copie of the publique Allowances and proportions of paym^{ts} thereof, made att an Affembly begun att James Citty the 10th day of Novemb^r 1682 Examined & attested

$\frac{1}{2}$ Tho Milner C^l affembly.

Tytheables.....	15162
Which at 89lb Tobacco $\frac{1}{2}$ Poll make.....	1349418 lb T ^o :
Which at 10 ^s $\frac{1}{2}$ Cent amounts.....	6747lb 1 ^s 6 ^d S ^t

A
JOURNALL
OF THE PROCEEDINGS
OF THE
HOUSE OF BURGESSES.

Att a Gen^l Assembly Begun at *James Citty* the sixteenth day
of *Aprill* 1684 and in the six and thirtieth year of the
Reigne of our Soueraigne Lord *Charles* the second by the
Grace of God King of *England Scotland ffrance* and *Ireland*,
&c.

Wednesday Aprill the 16th 1684.

IN THE House where the Burgesſes of late haue vſually ſate at *James Citty*.
The writt for Elecōn of Burgesſes for *Henrico* County is Read being p^rſent.
ffor *Henrico* County
Coll^o *John ffarrar*
Cap^t *W^m Randolph*
Charles Citty County
Coll *Edward Hill*
M^r *James Minge*
James Citty County
Coll^o *Thomas Ballard*
M^r *William Sherwood*
James Citty
M^r *Henry Hartwell*
Surry County
Major *Arthur Allen*
Iſle of Wight County
M^r *Joſeph Woory*
Cap^t *Henry Applewaite*
Accomack County
Major *Charles Scarburgh*
L^t Coll^o *Daniell Jenifer*
Northampton County
Coll^o *W^m Kendall*
M^r *John Cuſtis*

Nanſemond County
M^r *John Braſſear*
Major *Barna. Kearne*
Warwick County
Cap^t *John Matthewes*
Cap^t *Miles Cary*
Yorke County
Cap^t *ffrancis Page*
M^r *Joſeph Ring*
Gloceſter County
Major *Hen: Whiteing*
Coll^o *Thomas Pate.*
Stafford County
Coll^o *George Maſon*
M^r *W^m ffitzhugh*

Who being informed by M^r *Edw^d Chilton* that His Exl^{ty} is indiſpoſed and deſires
them to adjourne

They doe accordingly adjourne to nine of the Clock tomorrow morning.

Poſt

A
JOURNALL
 OF THE PROCEEDINGS
 OF THE
HOUSE OF BURGESSES.

Att a Gen^l Assembly Begun at *James Citty* the sixteenth day
 of *Aprill* 1684 and in the fix and thirtieth year of the
 Reigne of our Soueraigne Lord *Charles* the second by the
 Grace of God King of *England Scotland ffrence and Ireland,*
 &c.

Wednesday Aprill the 16th 1684.

IN THE House where the Burgeses of late haue vsually fate at *James Citty*.
 The writt for Elec^{con} of Burgeses for *Henrico* County is Read being p^{re}sented.
 for *Henrico* County
 Coll^o *John ffarrar*
 Cap^t *W^m Randolph*
Charles Citty County
 Coll *Edward Hill*
 M^r *James Minge*
James Citty County
 Coll^o *Thomas Ballard*
 M^r *William Sherwood*
James Citty
 M^r *Henry Hartwell*
Surry County
 Major *Arthur Allen*
Isle of Wight County
 M^r *Joseph Woory*
 Cap^t *Henry Applewaite*
Accomack County
 Major *Charles Scarburgh*
 L^t Coll^o *Daniell Jenifer*
Northampton County
 Coll^o *W^m Kendall*
 M^r *John Custis*

Nansemond County
 M^r *John Brassear*
 Major *Barna. Kearne*
Warwick County
 Cap^t *John Matthews*
 Cap^t *Miles Cary*
Yorke County
 Cap^t *ffrancis Page*
 M^r *Joseph Ring*
Glocester County
 Major *Hen: Whiteing*
 Coll^o *Thomas Pate.*
Stafford County
 Coll^o *George Mafon*
 M^r *W^m ffitzhugh*

Who being informed by M^r *Edw^d Chilton* that His Ex^lncy is indisposed and desires
 them to adjourne

They doe accordingly adjourne to nine of the Clock tomorrow morning.

Post

HIS Exlñcy haueing signified his pleasure that the House should meete this afternoon.

The members accordingly mett and feuerall of them doe Attend vpon His Exelñcy to acquaint him they are Ready to Receiue his Comāds.

They Returne and Reporte his Exlñcy was pleased to expresse it his pleasure that the House doe chuse their Speaker, And if they shall finde it Conuenient, it be don before the sermon tomorrow morning.

And they adjourn to the second drūm to morrow morning.

Thursday April the 17th 1684.

THE Burgeesses meet and proceed to the Elecōn of a Speaker.

Coll^o *Thomas Ballard* and Coll^o *W^m Kendall* and Coll^o *Edw^d Hill* being by feueral members propofed it is, *Resolved* It be first put to the uote whether Coll^o *Ballard* or Coll^o *Kendall* shall stand

And Coll^o *Ballard* is Chofen by the majority of Votes, & then *Resolved* that it be put to the uote whether Coll^o *Ballard* or Coll^o *Hill* shall be speaker.

And the major uote are for Coll^o *Edward Hill*.

Resolved That Mr *W^m fittzhugh* be put to the Vote with Coll^o *Hill* whether shall be speaker.

And Coll^o *Hill* hath the majority of Votes.

Resolved that it be put to the Uote, whether Coll^o *Hill* shall stand or Major *Charles Scarburgh*.

And. Coll^o *Hill* hath the majority of Votes.

And Coll^o *Hill* is by Coll^o *Kendall* and Coll^o *Ballard* placed in the Chaire.

Coll^o *Ballard*

Coll^o *Kendall*

Major *Allen*

Maj: *Swann*

Coll^o *Le Mafon*

Mr *fittzhugh*

and Mr *W^m Sherwood*

are appointed by the House to waite upon his Exlñcy and to acquainte him they haue made choice of a speaker.

They Returne and Report that they haue dd. [delivered] the message and that His Exlñcy faith he is Ready to Receiue the Attendance of the House.

And the House doth Accordingly waite upon his Exlñcy at the Courte House

Mr *Speaker* maketh the vsuall petiōns to his Exlñcy which are granted

Mr *Speaker* and the Rest of the members Ret. And by the vnanimus vote and Consent of the House L^t Coll^o *Thomas Milner* is Continued and Confirmed Clerk of the Affembly.

A Com^{tee} appointed for the Examination of the Returnes of writts and Elecōns.

Mr *W^m fittzhugh*

Coll^o *Daniell Jenifer*

Coll^o *Lemuell Mafon*

Cap^t *W^m Randolph*

Mr *James Minge*

And Mr *Henry Randolph* is appointed Cl. of this Com^{tee}

Resolved That the whole Body of the Burgeesses Accompany Mr *speaker* to the Church and back to the House

The House being Returned doe appointe and desire

Cap^t *francis Page*

Mr *Joseph Ring*

to Giue the thankes of this House to Mr *Rowland Jones* for his sermon preached this day before the Gen^l Affembly.

And *Resolved* that the Com^{tee} for y^e Examinaōn of y^e Returnes of writts. and Elecōns doe meet this afternoon and Report their opinions to the House wth all Conuenient Expedition.

The House adjournes to the first Drum.

THE House mett

Cap^t *francis Page* Reportes that he hath giuen the thanks of this house to M^r *Rowland Jones*.

The Com^{tee} for the Examination of the Returnes and Elec^cions giue in their Reporte by M^r *W^m ffitzhugh*, w^{ch} is Read by him,

Refolued that an Addresse be made to His Exl^{ncy} to Assigne some of the Hon^{ble} Councill to administer the vsual Othes. To such Burges^ses. whose Elec^cion and Returne this House hath approoued, and

Major *Allen*

L^t Coll^o *ffarrer*

M^r *W^m Wilson*

M^r *Tho: Allomby*

Cap^t *Jⁿ Matthews*

Cap^t *Miles Cary*

doe waite upon His El^{ncy} wth this Addresse.

The names of the Burges^ses Approoued. by the House to be Duely Elected and Returned withoute any objection are as ffolloweth, after next para:

Major *Allen* & the Rest of the members sent to his Exl^{ncy} Return and Report they haue dd the Mess^{age} and his Exl^{ncy} will fforthwith assigne some of the Councill to Answer this Houses Request.

ffor *Henrico*.

L^t Coll^o *John ffarrer*

Cap^t *will: Randolph*

Charles Citty

Coll^o *Edward Hill*

M^r *James Minge*

Surry

Major *Arthur Allen*

Major *Sam^l Swan*

Ifle of wight.

M^r *Joseph Woory*

Cap^t *Henry Applewaite*

Nanfemond

M^r *John Brassear*

Major *Barna: Kearnie*

Eliza: Citty County

M^r *W^m Wilson*

M^r *Thomas Allomby*

Warwick County

Cap^t *Jⁿ Matthews*

Cap^t *Miles Cary*

New Kent

Coll^o *Jⁿ West*

Cap^t *Joseph ffoster*

Glocester

Major *Hen: Whiteing*

Coll^o *Thomas Pate*

Rappahannock

M^r *Henry Abrey*

Cap^t *George Taylor*

James Citty County

Coll^o *Thomas Ballard*

M^r *W^m Sherwood*

James Citty

M^r *Henry Hartwell*

Middlesex

M^r *Abraham Weekes*

M^r *Richard Parrott*.

Lancaster

Cap^t *Dauid ffox*

Stafford

Coll^o *George Mason*

M^r *William ffitzhugh*

Westmerland

L^t Coll^o *Isaac Allerton*

Cap^t *Lawrance Washington*

Accomack

Major *Charles Scarburgh*

L^t Coll^o *Daniell Jenifer*.

Coll^o *W^m Cole*, and Coll^o *John Page* two of The Hon^{ble} Councill come into the House and bring with them his Exl^{ncy} Com^{ission} under the Seale of the Colony as ffolloweth.

By His Ex^{cellency}

I Doe hereby Com^{ission}ate Authorize and Impower Coll^o *W^m Cole*, and Coll^o *Jⁿ Page* Two of his Ma^{ties} Councill of state of this his Ma^{ties} Colony and dominion of *Virgn^a*

to

to Administer the othes of Allegiance & supremacy as likewise the oth of a Burgesse to euery Elected member of this assembly Giuen under my hand and seale of the Colony this 17th day of *Aprill* 1674.

Effingham

Which is Read in the House.

And accordingly the oth of Allegiance the Oth of Supremacy & the Oth of a Burgesse is Administred to those members whose names are before mençoned, *Viz*

L ^t Col ^o <i>Jⁿo farrar</i>	Cap ^t <i>John Matthew's</i>
Cap ^t <i>W^m Randolph</i>	Cap ^t <i>Miles Cary</i>
Coll ^o <i>Edward Hill</i>	Coll ^o <i>John West</i>
M ^r <i>James Minge</i>	Cap ^t <i>Joseph ffofter</i>
Coll ^o <i>Thomas Ballard</i>	Major <i>Hen: Whiteing</i>
M ^r <i>W^m Sherwood</i>	Coll ^o <i>Thomas Pate</i>
M ^r <i>Henry Hartwell</i>	M ^r <i>Henry Abrey</i>
Major <i>Arthur Allen</i>	Cap ^t <i>Geor: Taylor</i>
Major <i>Sam^l Swann</i>	M ^r <i>Abraham Weekes</i>
M ^r <i>Joseph Woory</i>	M ^r <i>Richard Parrott</i>
Cap ^t <i>Hen: Applewaite</i>	Cap ^t <i>Dauid ffox</i>
M ^r <i>Jⁿo Brassfear</i>	M ^r <i>W^m ffitzhugh</i>
Major <i>Barna: Kearnie</i>	Major <i>Char: Scarburgh</i>
M ^r <i>W^m Wilson</i>	L ^t Coll ^o <i>Daniell Jenifer</i>
M ^r <i>Tho: Allomby</i>	

The orders of the House Read and Confirmed

Resolved That whensoever any member of this House shall arise from his seate according to a former Ord^r of this House to speak Debate or deliuer any matter to the speaker the member soe arising from his seate shall stand in his place, without aduancing forward thence untill he shall haue don speaking und^r y^e penalty of 20^l of Tobacco.

And it is *ordered* That this order be inferted and added to the former Orders of this House for y^e more decent Regular & orderly proceedings thereof.

Vpon the debate of the matter upon the Returne of the *Lancaster* writt Reported from the Com^{tee} of Elecçons.

Resolved it be put to the Question

Whether the Returne made upon *Lancaster* writt of Coll^o *Codd* for Burgesse for that County, bearing date the 31st of *March* being y^e day of Elecçon, be a due & legall Returne or not.

Resolved Nemine Contradicente That the Returne of Coll^o *Codd* is a due and Legall Returne.

Vpon debate of the matter of the Returne of *Northampton* Writt, Reported from y^e Com^{tee} of Elecçon

Ordered that Cap^t *Isaac ffoxcroft*, The Sherriff of *Northampton* County be Called into the House who appears.

And being demanded by M^r *Speaker* if Coll^o *Kendall* were fairely Elected by the people he affirmed he was.

And was thereupon ordered to withdraw.

Ordered that Coll^o *Kendall* and M^r *John Custis Jun^r* be sent for into the House.

M^r *John Custis* who was Sherriffe at y^e time of the Elecçon of *Northampton* County owning the Returne upon the writt to be his own handwriteing is therefore Required to subscribe the same w^{ch} is accordingly don in the House.

And thereupon it is

Resolved That Coll^o *W^m Kendall* is duely Elected and Returned Burgesse ffor *Northampton* County.

Ordered That his Exl^{ncy} be addrest from this House for a writ for Elecçon of a Burgesse for *Northampton* County in the Room of M^r *John Custis*, who is adjudged by the House not in Capacity to serue as Burgeis, for that he was Sher. at time of Elecçon.

Ordered

Ordered that Cap^t W^m Armiger Sherriffe of *James Citty* doe giue notice to M^r *John Custis* That he is Comanded not to depart from *James Citty* until further Ord^r from this Houfe.

Vpon the petiçon of *Edward Roffe* for the Place of Drumner to the Affembly and Gen^l Courte, and it being Recomend^d by his Exlⁿcy and *Rob^t Wilfon* Late Drummer haueing Refigned

The Said *Edward Roffe* is admitted and Confirmed Drumner for y^e Gen^l Affembly and Gen^l Courte, foe long as he fhall therein well behauue himfelfe.

Vpon Reading the Complaine of feuerall the Inhabitants of *York County* Concerning the Elecçon there, It is ordered y^e y^e Sherriffe of *Yorke* be fent for to appeare before this houfe to Anfwer the faid Complaine on *Munday* next.

Resolved that Cap^t *francis Page* and M^r *Joseph Ring* are duely Returned, And it is accordingly ordred that they may be admitted into this Houfe.

M^r W^m ffittzhugh

M^r W^m Sherwood

M^r W^m Wilfon

M^r Tho: Allomby

Coll^o Jⁿ West

Coll. W^m Kendall

Are appointed to attend upon his Exlⁿcy with an addresse for a writt for *North^{ton} County*

Ordered That one of the officers attending this Houfe doe giue Notice to M^r *Thomas Barber* Sheriffe of *Yorke* of this Houfes order for his appearance here on *munday* next, and alfoe to the Complaiñants M^r *Henry Jenkins* M^r *Thomas Mountfort* or one of them.

The Houfe Adjournes to the third drūm to Morrow.

Thursday Aprill the 17th 1684.

MAY it please yo^r Exlⁿcy

The Houfe of Burgefles upon Examinaçon of the Returnes of writts for Ellecc^{ns} doe finde that M^r *John Custis* was Returned for the County of *Northampton* but the Houfe hath adjudged that the faid *Custis* cannot ferue as a Burgefse for y^e Said County for that he was Sherriffe at y^e time of y^e Elecçon and is therefore difallowed by this Houfe.

The Houfe of Burgefles therefore pray yo^r Exlⁿcy to Command another writt may be provided for yo^r Exlⁿcys fignature to be tranfmitted to the Said County of *Northampton* for the Elecçon of a Burgefse for the Said County as hath bin formerly accuftomed.

ffriday Aprill the 18th 1684

THE Houfe mett and Called

The Members Yefterday appointed to waite upon his Exlⁿcy with the Addrefs for a writt for *Northampton County* goe out.

They Returne & Report his Exlⁿcy promifed it fhould be Answered forthwith.

Resolved that his Exlⁿcy be addrest for a copy of his fpeech Yefterday to this Houfe and it is Referred to

Coll^o Ballard

M^r ffittzhugh

M^r Minge

Major Scarburgh

To Draw the Addrefs and p^rsent to the Houfe.

Resolved and ordered that the feuerall Clerkes of the Com^{tee} who fhall be Retained and imployed by this Houfe fhall at all times hereafter be enjoyned to affift the Clerke of the Affembly in writeing tranfcribeing and Copying fuch papers writeings Acts and other things as fhall be neceffary Required by the Clerke of the Affembly for the dis-
patch

patch of Buiffineffe either during the feffion or at the Breaking or Riling up of Affemblys when they are not employed in their proper places as Clerkes of Com^{tee} or Attending on them and this Houfe will Confid^r of fome Reward according to their meritt for this Extraordinary feruice.

Resolved that fuch fherriffe as hath not made due returne of the writts of Elec^{cons} according to Law fhall be proceeded againft as the Law directs and it fhall be Referred to the Com^{tee} of Grievances when appointed to Confider of the manner of proceedings ag^t them.

The Members appointed to draw vp the addrefse deliuer in the fame by Coll^o Ballard w^{ch} is Read by M^r *ffitzhugh* at the Table and approoued by the Houfe and ordered to be faire drawne and p^refented by

Coll ^o Ballard	M ^r <i>ffitzhugh</i>
Maj: Scarburgh	M ^r <i>Minge</i>
Major Allen	Cap ^t <i>Cary</i>
Coll ^o Pate	Cap ^t <i>ffoster</i>
Major Whiteing	Cap ^t <i>Matthewes</i>

The Addrefse

Aprill the 18th 1684

To His Excellency

The Humble Adrefs of the Houfe of Burgeffes.

May it Please yo^r Excellency

Vpon the presenta^{con} of their Speaker in obedience to yo^r Exl^{ncys} Com^{nds} you did then declare to them his Ma^{ties} Gracious Inclinations and Royall Commands to the Affembly together with yo^r Exl^{ncy}'s Readineffe and willingneffe to further any neceffary thing for the good of this dominion, by yo^r moft Excellent fpeech at that time deliuered to the Gen^l Rejoyceing of all, Therefore that they may more Readily proceed in Obedience To His Moft Sacred Ma^{ties} and yo^r Exl^{ncys} Commands they moft Humbly pray the Communication of that fpeech or the heads thereof to the end they may more Considerately aduife thereupon & tranfmitt to their pofterity an A^{ct} of Grace and fauo^r foe worthy their Remembrance.

The Gentlemen who waited upon his Exl^{ncy} with the Addrefse Reporte *¶* Coll^o Ballard they haue deliuered the Addrefse and he is pleafed to anfwer, he will take care to haue it drawne and it fhall be tranfmitted to this Houfe.

Vpon Petticon of Rob^t Bradly to this Houfe for his Continuance in his place of C^l of a Com^{tee}

The Queftion is Put whether M^r Bradley fhall be Continued or difmiffed.

Resolved that he be Continued and fharpely admonifhed by M^r Speaker and put in minde of the greate affront offered to this Houfe at the end of the Laft Affembly.

Resolved by the Houfe that upon the firft vacancy of a Clerks place M^r *Samuell Goofe* who hath Pettitioned this Houfe fhall be admitted into the fame.

M^r *Hartwell* and Cap^t *Randolph* Defire to waite upon Coll^o *Cole* and Coll^o *Page*, and pray them to come into this Houfe to fweare fome Burgeffes whofe returnes are approoued fince they were here yefterday,

Coll^o *Cole* and Coll^o *Page* come into the Houfe and adminifter the Othes of Allegiance Supremacy and the Oth of a Burgeffe to,

Coll ^o W ^m Kendall	Coll ^o Geo: Mafon
Cap ^t <i>ffran: Page</i>	M ^r Jos: Ring.

And Rob^t Bradly called into the houfe is fharpely Reproued & admitted to be a C^l of a Com^{tee} upon his humble fubmiffion.

M^r *Yates* who is *¶*mitted C^l to L^t Coll^o *Milner* C^l of the Affembly fworne.

Major Allen chair ^m	Major Swan
Major Kearnie	M ^r <i>Randolph</i>
M ^r <i>Hartwell</i>	

Are

Are desired to make inspection into the Lawes Concerning Returnes of Writts for Eleccion of Burgeffes, and Report what penalty they finde ought to be Inflicted on Sherriffs that make undue Returnes of such Writts.

The House Adjournes to the next Drum.

April the 18th post meridiem

THE House met and Called

The Writt of Eleccion for *Lower Norfolke* brought into the House and the Return Read and allowed.

Vpon the Request of M^r *Hen: Jenkins* it is ordered that these p^rsons following viz^t *Rich: Trotter Jn^o Cuffins Tho: Roberts Sam^{ll} Singnell Sam^{ll} Toplady John Metcalfe* make their appearance before this house, to testifie their knowledge upon a Complaint made ag^t M^r *Tho: Barber* sherr. of *Yorke County* by M^r *Hen: Jenkins* and M^r *Tho: Montfort* and others Inhabitants of *York County* on *munday* next, And M^r *Montfort* to giue notice to y^m

M^r *Hen: Hartwell*

M^r *W^m Randolph*

Are appointed to Intreate Coll^o *Cole* and Coll^o *Page* to come into this House to Administer the Othes &c to Coll^o *Lem: Mason* & Cap^t *W^m Robinson*.

Major *Arthur Allen* for the Rest of that Com^{tee} giue in their Report to the House that they finde the 50th act in the printed booke, fines Every sheriffe 2000 pounds of tobacco that makes an undue Returne.

And thereupon M^r *Jn^o Custis* being Called into the House is fined & Ord^red to pay for makeing an undue Returne, Two thousand pounds of tobacco, to the vse of the Publique.

Coll^o *W^m Cole*, and Coll^o *Jn^o Page* come into the House and administer the Othes of Allegiance supremacy and the Oth of a Burgeffe to Coll^o *Lem^{ll} Mason* and Cap^t *W^m Robinson*

Vpon the Application of M^r *Isaac foxcroft* Sher of *North^{ton}* made to this House for direc^{on} in the Writt of Eleccion. now Issued for *North^{ton}* County It is the Vnanimous opinion of the House that it is not in this P^{ar}ticular Case of expedi^{on} of necessity that the sherriffes doe obserue their Exact Rules. P^rscribed in the Acts of Assembly in giueing notice to the Inhabitants. of the County of the Intended eleccion, But that he may in Case of Expedition Issue oute his P^rcepts Requireing the feuerall Conftables in the Said County to warne in all the freehold^s within their feuerall p^rcinets to come in at and to the time and place by him in his p^rcept to be assigned,

The Last Assembly held at *James Citty* the 10. of *November 1682* haueing Recomend^d the Bills Concerning Escheates and Compositions to the Early and speedy Consideration of this p^rsent Assembly, It is ordered that those two Bills concerning Escheates and Compositions, w^{ch} past the House of Burgeffes the last Assembly, with the endorsem^t made upon them by their Hon^{rs} Be Referred to the Com^{tee} of propositions and Grievances to Confid^r thereof and frame another bill with such Additions claufes and prouiso^s as shall be found most fitting. and to Report the same to the House with y^e first matters they shall haue under their Considera^{on}.

The Peti^{on} of Cap^t *foxcroft* Read

Resolved that the peti^{on} is fully Answered

M^r *Chilton* brings into the House His Ex^lncys Speech made to the House yesterday upon presenting the Speaker, w^{ch} is Read in the House.

Coll^o *Thomas Ballard*

M^r *W^m ffitzhugh*

Major *Scarburgh*

M^r *Minge*

Major *Allen*

Cap^t *Cary*

Coll^o *Pate*

Cap^t *ffoster*

Major *Whiteing*

Cap^t *Matthewes*

Are

Are Appointed to waite upon His Exlncy, and to p'sent him the Humble thanks of this House for his noble and Generous Condescention in tranfmitting to this House at their Humble Request the Copie of his Speech And to assure his Exlncy in the name of this House that they will take the same into speedy and ferious Consideration.

Coll^o *Ballard* and the Rest of the Members Report by him that they haue p'formed the Charge and His Exlncy was pleased to say That he Rec'd uery Kindly the Houses acknowledgem^t That the matters tended to his Ma^{ties} seruice and the weale of this Colony and did giue his p'ticular thanks to the House for the p'ticular exp'ression of their using expedition in the Consideration of it.

The House adjournes to y^e 3^d drúm.

Saturday April the 19th 1684.

THE House mett and Called.

Northumberland County Writt Read and allowed by the House.

Att the Request of this House, Coll^o *W^m Cole* and Coll^o *Jⁿ Page* come into The House and doe Administer the Othes of Allegiance supremacy and the Oth of a Burgesse to Coll^o *Isaac Allerton* Cap^t *Law: Washington* Burgesse for *Westmer^{ia}* and to M^r *Peter Presly* and M^r *Knight* for *Northumberland*.

Major *Scarburgh*

M^r *James Minge*

Major *Allen*

Cap^t *Miles Cary*

M^r *Hartwell*

Maj: *Sam: Swan*

Are desired and appointed to Repaire to M^r *Secretaries* office to get a Copie of his Exlncy's Comission and to inspect the Records and to p'sent to the House and Report what they shall finde may be of vse to the House and to giue in their Report to the House on *Munday* Morning & at all times dureing this Sessioⁿ they are likewise apointed to draw up an addrefs to his Exlncy that he will please to Communicate to the House whether his Exlncy hath any other Matters from his Ma^{tie} Relateing to this House, and y^r p'sent proceedings then he hath already made known unto them and if any such that his Exlncy will please to Communicate them in ord^r to their more speedy Considera^on of the House, And to p'sent the same to y^e House.

A Com^{tee} apointed to Inspect the Journall of the Last Assembly and all other Journalls, and papers, Bookes &c belonging to the House of Burgesies And to Reporte to the House what they shall find therein y^t may be of vse or import to the House. And also such matters and things whether Bills Ord^{rs} or References &c of any Kind soeuer from y^e last Assembly.

Coll^o *Allerton*

Maj: *Hen: Whiteing*

M^r *Sherwood*

Cap^t *Jos: ffofter*

M^r *W^m Randolph*

M^r *ffittzhugh*

Cap^t *Page.*

Resolved that the Question be put whether the Addresse last men^ond shall be drawn up by the Com^{tee} where Maj: *Scarburgh* is Chairmⁿ by that Com^{tee} where Coll^o *Allerton* is Chaireman

Resolved it be don by that Com^{tee} whereof Major *Scarburgh* is Chaireman and that they p'sent it to the House wth all expedi^on.

A Com^{tee} appointed for Propositi^ons & Grievances.

Coll^o *Tho: Ballard C.*

M^r *James Minge*

M^r *W^m ffittzhugh*

Major *Scarburgh*

Major *Whiteing*

Major *Allen*

Major *Kearnie*

Cap^t *Cary*

Ordered that Coll^o *Isaac Allerton* be Added to this Com^{tee} and alsoe M^r *W^m Sherwood*, and Coll^o *Codd*.

A Comtee Appointed for Priuate Caufes.

Coll^o W^m Kendall C.

Coll^o Daniell Jenifer

Coll^o Jⁿ West

M^r Rich^d Parrot

Coll^o Geo: Mafon

Coll^o Lemth Mafon

Coll^o S^t Leger Codd

Cap^t ffrancis Page

Cap^t Taylor

M^r Peter Knight.

Ordered that the Comtee of propofitions and Grievances doe draw up a Congratulatory Addrefse to his Ma^{tie} to exprefs & Testifie the Exceeding Joy and fatisfac^{on} of this house and the whole Country for the late moſte miráculous deliuerance w^{ch} it hath pleaſed Almighty god to vouchſafe his Ma^{tie} from the ſeuerall helliſh Horrid trayterous plotts and Conſpiracies ag^t his moſt ſacred P^{er}ſon His Royall Highneſs, And the Gouvern^{mt} and alſoe to Testifie the great ſenſe we haue of his moſt Royall care & Gracious fau^r towards Vs his poor Subjects in this Country in prouiding and ſending for our Gouvern^r a perſonage of ſuch extrac^{on} and worth and poſſeſſor of all noble qualifications.

A Comtee appointed for the Examina^{on} of y^e publiq Claíms & Debts.

Major Sam: Swan

M^r Joſeph Ring

M^r Hen: Hartwell

Cap^t W^m Robinſon

Cap^t Joſeph ffoſter

M^r W^m Wilſon

M^r Abra: Weekes

Reſolved that an Imediate Addrefse be made to His Exln^{cy} for Counſell^{rs} to be Affigned to the Comtees as hath formerly accuſtomed.

Coll^o Thoſ Ballard

Maj: Cha: Scarburgh

M^r Rich^d Parrott

Coll^o Thomas Pate

Maj: Hen: Whiteing

M^r W^m ffitzhugh

Coll^o Lemth Mafon

Maj: Sam: Swan

Maj: Ar: Allen

Coll^o Dan: Jenifer

Are appointed to waite upon his Exln^{cy} And to Informe his Exln^{cy}, That this Houſe in order to their ſpeedy proceedings in thoſe affaires for w^{ch} they haue been Conueened haue appointed the ſeuerall Comtees for Propoſitions and Grievances. A Comtee for Priuate Claúſes and a Comtee for the Examinations of the publiq Claimes and doe therefore pray his Exln^{cy} that he will pleaſe to aſſigne ſome of the Hon^{ble} Council to the ſeuerall Comtees for Conſultation, according to y^e Antient Conſtitution and practice of the Affemblies of Virg^a And to informe his Exln^{cy} That the ſeuerall Chairemen of the Comtees ſhall waite upon his Exln^{cy} with the liſt, of their ſeuerall Comtees names at ſuch time as his Exln^{cy} ſhall pleaſe to appointe.

Ordered that M^r Thomas Blayton be C^l of the Comtee of propoſi^{ons} and Grievances.

Coll^o Ballard and the Reſt of thoſe Members that were appointed to waite upon his Exln^{cy} Reporte by Coll^o Ballard that they haue deliuered the Meſſage and his Exln^{cy} was pleaſed to promiſe This Houſe ſhall Receiue Anſwer in y^e afternoone.

A Comtee Appointed for the examina^{on} of Certificates for takeing and Apprehending Runawaies

Coll^o Tho: Pate Chaireman

Cap^t Applewaite

M^r Braſſear

Cap^t ffox

M^r Woory

M^r Thomas Allomby

Ordered That M^r Hen: Randolph be Clerke of y^e Comtee of Claimes.

Ordered That Cap^t W^m Randolph be added to the Comtee of Claimes.

Ordered That M^r W^m Bolton be appointed Clerk to y^e Comtee of priuat^r Caufes.

That M^r Rob^t Bradly be C^l of the Comtee for examination of the Certificates for apprehending Runawaies.

M^r Lancelet Bathurſt is appointed Clerke to the Comtee for Inſpection of the Journalls &c.

Ordered

Ordered That Coll^o Daniell Jenifer be Added to the Com^{tee} for Inspecting the Records in the Secretaries office. And M^r Ed. Harrison to be Clerke of that Com^{tee}
The House adjournes to the Afternoon.

Post Meridiem.

THE House mett

M^r Chilton brings a message from his Exl^{ncy}, That His Exl^{ncy} Comands the House to Attend him at the Courte house.

And accordingly the whole House doe attend upon his Exl^{ncy} in the Courte house and being Returned.

M^r Speaker deliueers the some of his Exl^{ncys} speech as followeth

Gentlemen

I doubt not but you haue heard and Considered his Exl^{ncys} speech to this House euen now dd w^{ch} in Effect is That he Rec^d a message from this House to haue Councill added to y^e Com^{tee} of this House, That he was sorry to see or heare of such obstruc^{ions} in the begining of this Affembly, And that we tooke no notice of his Exl^{ncy} the Lord Culpepers Command Rec^d from his Ma^{tie}, That noe appeals should be from the Gen^l Courte to the Affembly, w^{ch} he openly declared in the Gen^l Courte but since we had not he did then declare to us that he had Rec^d Commands from his Ma^{tie} That there should be noe Appeales from the Gen^l Courte to the Gen^l Affembly, and therefore since there were noe priuate Causes to be tried he Could not thinke it necessary that Councill should be Assigned to the other Com^{tee} And therefore desired us to withdraw and proceed to the buisnesse of the Affembly w^{ch} now Gentlemen lies before you.

Resolved That the Com^{tee} appointed to Adresse his Exl^{ncy} for his further instruc^{ions} from his Ma^{tie} Relateing to this House doe most especially mind the Instruc^{ion} men^{ioned} by his Exl^{ncy}, Concerning Appeales to the Gen^l Affembly from the Gen^l Courte, And that they doe likewise signify and declare, That as to what his Exl^{ncy} was pleased to say Concerning his Ma^{ties} Pleasure in that Particular, declared by the Lord Culpeper in open Courte. The House is not sensible of any such publiq declarac^{ion} Or Express^{ion}: But on the Contrary this House doe find That by the Lord Culpepers Answer to this House of date 21^e december 1682. he Concurred with this House in Referring all priuate Causes to the next Affembly, And therefore soe much the Rather doe they pray, That the Originall Instruc^{ions} may be vouchsafed to the veiw of this House and alsoe his Exl^{ncy}'s Comission & Instruc^{ions} and pray it may be Recorded in the Records belonging to this House.

M^r W^m fittzhugh

Maj: Scarburgh

M^r Minge

Major Allen

Col^o Jenifer

M^r Sherwood

With the Clerke of the Affembly are Appointed to prepare an Answer from this House to his Exl^{ncy}'s speech made this Afternoone in the Courte House

Major Scarburgh deliueers into the House the Adresse w^{ch} is Read at y^e Table by M^r fittzhugh.

w^{ch} is Approoued by the House and ord^{red} to be fair written, and

Coll^o Kendall

Cap^t Washington

Coll^o West

Cap^t ffofter

Maj: Whiteing

Coll^o Pate

Cap^t Page

Are Appointed to waite upon his Exl^{ncy} with the Adresse following

Saturday

Saturday Aprill y^e 19th 1684.

MAY it please yo^r Exlñcy.

The Gen^l Assembly of *Virga* being by the 26th printed Act of Assembly yet unrepealed Impowered as a Courte of Judicature to heare and determine all such Causes as by appeales from the Gen^l Courte should be brought before them, w^{ch} by Custome had their first hearing before a select Com^{tee} for that purpose Assisted by some of the Hon^{ble} Councill And from them Reported to the House of Burgeses And by them Reheard And then by Consent of y^e Gen^l Assembly finally determined This House did Humbly Conceiue that According to the Said Customes and Constitucons it was their Inherent Right and priuiledge to enjoy the same, And thereupon did make their Humble adresse to yo^r Exlñcy for Councill to assist at the like Com^{tees} vpon the Hearing of such appeales But this House at their Attendance vpon yo^r Exlñcy. by yo^r Comand Receiueing answer y^t we took no notice of his Exlñcy the Lord *Culpepers* Comand Reced from his Ma^{tie} That noe Appeales should be from y^e Gen^l Courte to the Assembly And that he had openly declared the same in the Gen^l Courte.

The House of Burgeses doe Humbly Answ^r yo^r Exlñcy.

That as to that yo^r Exlñcy was pleased to Say Concerning his Ma^{ties} Pleasure in the matter of priuate Causes declared by the Lord *Culpeper* in open Courte. This House is not sensible of any such Publiq declaracon or expreffion of the Lord *Culpepers* but on the Contrary This House doe finde that by the Lord *Culpepers* answer to the then House, dated the 21^e december 1682. He Concurred with the Hon^{ble} Councill and the House in Referring all priuate Causes to the next Assembly which seems to this House a Confirmation of what the House had before Reced from the Hon^{ble} L^t Gouvern^r y^e 28th *Nouember* 1682. That if betwixt that time and the next Session of Assembly his Ma^{tie} should not please to giue p^{ar}ticular direccons in the matter of proceedings in Appeales in priuate Causes to the Assembly then they should be heard and determined by Councill Assisting in Com^{tees} after the forme and manner of priuate Causes in Assemblies held before the yeare 1680. And that the Councill would for the better Satisfaccon of the then House of Burgeses Joyne with them therein w^{ch} the Councill accordingly did.

And therefore the House of Burgeses doe pray yo^r Exlñcy that y^e Originall Instruccons from his Ma^{tie} may be Vouchsafed to y^e View of this House. That from thence as upon the surer and more satisfactory ground's they may Yield their Ready obedience thereunto.

Ordered That noe member of this House shall p^rsume to departe oute of *James Citty* without leaue obtained from M^r *Speaker* and that if any member y^t shall obtain such leaue from M^r *Speaker* shall not, Be in this House by 10^e of the Clock on *Munday* morning, He shall in both the said Cafes pay the fume of 200 pounds of tobacco.

The House adjournes to *munday*.

Munday Aprill the 21th 1684.

THE House mett

Coll^o *Kendall* and the Rest of the Members appointed on *Saturday* last to waite upon his Exlñcy with the ad^resse Report by Coll^o *Kendall* that they deliuered the ad^resse to his Exlñcy and he was pleased to promise a speedy answer.

Ordered That His Excellencies Speech be Read.

Ordered That the Speech now Read be Comitted to the Consideracon of the Com^{tee} of proposicons and grieuances.

Coll^o *W^m Cole* and Coll^o *Jn^o Page* at the Houses Request come in and Administer the Oth of Allegiance the oth of supremacy and the Oth of a Burgesse to Coll^o *S^t Leger Codd*.

Cap^t

Cap^t Jⁿ^o *Matthewes* is added to y^e Com^{tee} for Examinaçon of Certificates for Run-awaies.

Resolved That the proposition made by M^r *Sherwood* concerning the Clergy of this Country be Referred to y^e Com^{tee} of the propositions and grievances.

Ordered that Coll^o *Pate* Cap^t *ffoster* and Major *Allen* doe expresse y^e thanks of this Houfe to M^r *Doyly* for his fermon yesterday before y^e Gen^l Assembly.

Resolved That the Question shall be putt

whether the Com^{tee} for inspecting the Journall of the last Assembly &c shall proceed according to the first designe of this Houfe. And p^resently goe out or whether the matter designed for their Consideraçon shall be Referred to the Com^{tee} of propositions and grievances.

Resolved That y^e Com^{tee} for inspecting the Journall be Continued and that they forthwith proceed.

Resolved That all propositions and Grievances shall be giuen into the Houfe by *Saturday* Noone next at furtherst and that all propositions or grievances that shall not be brought in by that time shall be excluded ffor this Seffion.

The Houfe adjournes to the afternoón.

Post Meridiem

THE Houfe mett

Yorke County Grievances & propositions Read in the Houfe and Comitted
Nanfmond County Grievances Read and Comitted.

Coll^o *W^m Cole* and Coll^o *Jⁿ^o Page* bring into the Houfe from his Exl^{ncy} his Ma^{ties} Instruçons to his Exl^{ncy} Concerning Appeales in priuate Causes.

Which is *Ord^{red}* to be Read.

Rappahannock County propositions and Grievances Read and Comitted.

M^r *Thomas Barber* Sher of *Yorke* called into the Houfe To Answer y^e Complaint of M^r *Jenkins* M^r *Mountfort* and other the Inhabitant's of *Yorke* County And the Petiçon is Read.

Vpon ferious and mature debate of the matter Concerning the publication of the writt for Elecçon in *Yorke* County.

Resolved that the Sherriffe of *York* hath made a due Returne of that writt And Cap^t *Page* And M^r *Ring* the Burgesses for the said County of *Yorke* It appearing to this Houfe y^t y^e Sherriffe had don his duty towards the Publication of the Writt.

The Houfe adjournes till to morrow morning.

Tuesday Aprill the 22th 1684.

THE Houfe mett. And the Com^{tee} for inspecting y^e Recórd^s in y^e Secretaries office goe oute.

The *Isle* of *Wight* County Grievances Read and Comitted.

Stafford County Grievances Read and Comitted.

Lancaster County Grievances Read and Comitted

Accomack County Grievances Read and Comitted

Eliz: Citty Grievances Read and Comitted.

The Houfe Adjournes to the next Drúm.

Post meridiem

THE Houfe Called and adjour'n to the Third Drúm to mórow morning.

Wednesday

Wednesday Aprill 23^d 1684.

THE Houfe mett.

The Com^{tee} for inspecting the Journall &c giue in their Reporte by Coll^o *Isaac Allerton* w^{ch} is Read, and M^r *Moore*s Claime and M^r *Lees* and M^r *Littlepags* Referred to the Com^{tee} of Claimes and the Rest of the Reporte is approoued by the Houfe and is Referred to the Com^{tee} of propositions & Grieuances.

The Report of the Com^{tee} for inspecting the Records is Deliuered in *¶* Major *Scarburgh* and ord^dred to be Read.

Resolved That An Adresse be made to his Exl^{ncy} That he will please That His Exl^{ncys} Comission for the Gouvernm^t of this Dominion together with such Instruc^{cons} from His Ma^{tie} as doe relate to our Concerne, The Assembly may be brought, Into this Houfe to the end they may be seen viewed & entred upon Record in y^e booke belonging to this Houfe as hath bin vsuall in the like Cafes for Comissions and instruc^{cons} of the Gou^{rs} heretofore Appointed by his Ma^{tie} in this Country.

And it is also *Resolved* That M^r *Secretary* be Requested That he will fend the Lord *Culpeper*'s Comission and Instruc^{cons} to the end they may be entred upon the booke of this Houfe there to Remaine upon Record.

Coll^o *Allerton*

Coll *Codd*

Coll^o *Pate*

Cap^t *Randolph*

M^r *Sherwood*

&

M^r *ffittzhugh*

Are appointed to ad^{resse} His Exl^{ncy} with this Vote and for y^e Comission and Instruc^{cons}

And in y^e name of this Houfe Humbly to pray his fauourable Concession thereunto

And the Request to be made to M^r *Secretary* for y^e feuerall Comissions and Instruc^{cons} of the Lord *Culpeper* is Referred to y^e Com^{tee} for inspecting y^e Records And y^e they doe further inspect y^e Records and Report to the Houfe what they find there relating to y^e Quit-Rents.

Resolved That it is a Greate grievance to y^e Country, That it is denyed to y^e freemen of this Country to haue free acceffe to y^e Records in the Secretaries office and to haue Copies from thence of such matters as are there upon Record as doe concerne their liberties or estates.

And it is therefore *Ord^dred*, That it be Referred to y^e Com^{tee} of propositions and Grieuances to Confid^r of some expedient for the Redresse of y^e said Grievance and to Report y^e same to y^e Houfe.

The Petti^{con} of M^{rs} *Sarah Bland* Read in the Houfe.

Resolved That M^{rs} *Bland*'s peti^{con} doth not Regularly lye before this Houfe.

Coll^o *Allerton* Reportes That his Exl^{ncy} hath promised to answer to y^e vote by him p^{re}sented,

The whole Report of the Com^{tee} for inspecting the Records is Referred to y^e Com^{tee} of propositions and Grieuances.

Yorke County Grieuances Read and Comitted

Northumberland Grieuances Read and Comitted

Glocester County Grieuances Read and Comitted

Surry County Grieuances Read and Comitted

The Houfe adjournes to y^e first Drūm

Post Meridiem

THE Houfe mett

The feuerall Grieuances of *Lower Norfolke* and *Linhauen* Read & Comitted.

Middlesex Grieuances Read and Comitted

The Hon^{ble} M^r *Secretary Spencer* and Coll^o *Phillip Ludwell* two of the Hon^{ble} Councill of State, Come into the house & together, with his most sacred Ma^{ties} Comission to

to his Exlñcy *ffra. L^d Howard* Baron of *Effingham* his Ma^{ties} L^t and Gou^r Gen^l of *Virg^a* bring the following Message

By his Exlñcy.

Whereas I haue this day by some memb^{rs} of yo^r Houfe rec^ded an Adresse, That I would ꝑmitt my Comiffion w^{ch} I haue Rec^ded from his most Sacred Ma^{tie} to be Gou^r of this his Colony & dominion of *Virg^a* to be brought into yo^r Houfe to y^e end it might be seen ꝑufed and entred upon Record in the Bookes belonging to yo^r Houfe, That I might gratify yo^r Request and giue demonftraçon how heartily willing I am to giue you all encouragem^t in yo^r proceedings you'l herewth Receiue my Comiffion and as to yo^r defire of my instructions as Soon as I haue ꝑufed them what I may, fhall be likewise Communicated to you as far as it is fit and neceffary. *Effingham.*

And his Ma^{ties} Comiffion to his Exlñcy is Read in the Houfe.

The Com^{tee} for inspecting the Records bring in a 2^d Report according to their laft order which is Read in the Houfe.

Ordered That his Exlñcy the Lord *Howards* Comiffion be Recorded in the bookes belonging to this Houfe.

Resolved that

Coll *Kendall*

Cap^t *Washington*

Coll^o *Tho: Ballard*

Mr *Sherwood.*

Maj. *Whiteing*

Cap^t *Cary &*

doe forthwith waite up'on his Exlñcy to Exprefse the thankes of this Houfe, for his most noble and Gener'ous Condefcention to this Houfes Request in fending his Comiffion by thofe Hon^{ble} Gen^t of the Councill to the view and ꝑufall of this Houfe and to Affure his Exlñcy That it fhall be Returned to him as Soon as poffible it can be tranfcribed

Coll^o *Ballard* and the reft of y^e members with him, Reporte that they haue deliuered the Message and his Exlñcy was pleased to exprefse, That he did hope as we did find in him a Ready Compliance to all our Reafonable demands, Soe when we fhould receive the other párts of his Instructions, we would apply ou^r felues to the speedy debates and difpatch of thofe Affaires fome of which he had Noted were of moment, that lay before us.

The Houfe adjourns to the third drum to morrow.

Thursday Aprill 24th 1684.

THE Houfe mett.

And a propofition of Mr *George Knights* of *Northumberland* County Read and Comitted,

Seuerall pap'ers of Instructions and Orders of the Councill mençoned in the fecond Report of the Com^{tee} for the Infpection of the Rec'ords Read, Concerning aduancement of fforreign Coines, Sallary to the L^t Gouvernour Concerning the Act of Cohabitaçon and the Leuying or Raifeing of fines and penalties &c and Comitted.

Coll^o *Ballard*

Major *Allen*

Major *Scarburgh*

Coll^o *Lem: Mafon*

Coll^o *Codd*

Mr *Sherwood*

Cap^t *Cary*

Maj: *Swan.*

Are appointed to waite upon his Exlñcy with his Comiffion from his Ma^{tie} and the gratefull acknowledgement of this Houfe for the fatisfacçon they haue, (by his Exlñcys fau^r in y^e ꝑufall of the fame.

They Repórt by Coll^o *Ballard* that they haue deliuered the Comiffion to his Exlñcy, and haue moued for the Instrucçons And he was pleased to Anfwer that they were prepareing but they were foe much the Longer ere we had them for that care was taken that nothing of them might be omitted that might be of vfe to us.

The Houfe adjourns to the afternóon

Post

Post Meridiem

THE Houfe mett

Ordered that Coll^o *Kendall* be added to the Committee of Claimes, And that he be Chaireman of that Com^{tee} at y^e desire & request of Maj: *Swan*.

That there be further ad'ded to y^t Com^{tee}

Coll^o *Leñ: Mafon*

Coll^o *Geo: Mafon*

L^t Coll^o *Jenifer*

Cap^t *Randolph*.

Ordered that all manner of Claimes to this Assembly be brought into y^e Houfe by Munday Night Next or to be ejected this Seffion.

That all propositions and Grievances to this Assembly fhall be put into the Houfe by *Thursday* the first of *May* or not to be Reçed this Seffion.

The Com^{tee} for propositions and Grievances and the Com^{tee} of Claimes

And the Com^{tee} for Runawaies Certificates Goe oute.

Coll^o *Codd* is added to the Com^{tee} of propositions and Grievances.

The Houfe adjourns till to morrow

ffriday Aprill 25^e 1684.

THE Houfe mett.

And M^r *Secretary* fends into the Houfe a Copie of his Matys demise & Grant to the Lord *Arlington* and the Lord *Culpeper* of 25^e of *ffebr*: in the 25^e Yeare of His Mat^{ies} Reigne.

Coll^o *W^m Byrd* and Coll^o *Christopher Wormely* bring into the Houfe fuch of His Exlñcys instrucçons from his Mat^{ie} As his Exlñcy thought fitt to Coñunicate.

The Houfe adjournes to the afternoon.

Post Meridiem

THE Houfe mett.

And *Ordered* that the Instrucçions Communicated from his Exlñcy to this Houfe, and sent this morning by Coll^o *Byrd* & Coll^o *Wormely* be Read and Referred to the Confideraçon of the Com^{tee} of propositions & Grievances.

And the Houfe adjournes till to Morrow.

Saturday Aprill y^e 26th 1684.

THE Houfe mett.

The Com^{tee} of propoficōns and Grievances Reporte to y^e Houfe by Coll^o *Ballard* that they haue made fome progresse in their buifneffe, and what they haue Agreed upon is by him p^resented and Read by the Clk.

That parte of the Reporte of the Com^{tee} w^{ch} Relates to y^e Printed booke Entitul'd *a Compleat Colecion of y^e Laws of Virg^a* now in force is allowed & approou'd by the Houfe & it is,

Resolved That an adrefse be made to his Exlñcy That the Said Bookes may be Su^ppressed, And that he will please y^t Cap^t *Jⁿ Puruis* who is said to haue published and Imported diuers printed Copies of the said Booke, w^{ch} are found to be uery false and Imperfect, be Comanded forwith to appeare before his Exlñcy And this Gen^l Assembly to answer for his Misdemeanor in presumeing to publish withoute Licence a booke of y^t title and Contents to y^e Greate Scandall and Contempt of y^e Gouernment of this his mat^{ies} dominion.

To the Second parte of y^e Reporte of y^e Com^{tee} of Propoficōns concerning the Grievance of the Inhabitants of *Northumberland* County Concerning their pattents the Houfe is of Opinion and accordingly it is *Resolved*,

That

That his Exlncy bee ad'reft in the behalfe of y^e S^d Inhabitants, Setting forth y^e whereas y^e S^d Inhabitants of *Northumberland* County and others y^e Inhabitants of *Potomeck neck* haue taken up diuers tracts of land there and haue bin at Greate Charge to Seate y^e fame, & haue enjoyed y^e fame many yeares, and haue many times since y^e takeing up the fame made their application according to the vsuall Custome in fuch Cafes by y^e rest of y^e Inhabitants of this dominion for Pattents for their land, and Yet haue not obtained y^e fame, The Houfe of Burgefles therefore in behalfe of y^e fd Inhabit^{ts} of *Northumberland* and y^e Rest doe pray his Exlncy, that they may haue their Seuerall Parcels of Land, Soe taken up Seated and enjoyed Soe many yeares, Granted and Confirmed to y^m and their posterity by pattent under y^e fame Conditions as his moſte ſacred Ma^{ties} Subjects of the other partes of this his dominion doe Hold and enjoy their Lands from his Ma^{tie}

To the 3^e parte of the Reporte of that Com^{tee}

Resolved That an ad'reſſe be made to his Exlncy and the Hon^{ble} Councill that they will pleaſe to Joyne with this Houſe in an Humble ad'reſſe to his Ma^{tie} That his Ma^{tie} would be Gratiouſly pleaſed to Grant of his meere Grace and Royall fauour to y^e Inhabitants of this Country. That Appeales may lye and be made from y^e Gen^{ll} Courte to y^e Gen^{ll} Affembly According to y^e Laws and antient Práctice of this Country ꝑmitted & allowed by his moſte Sacred Ma^{tie} and his Royall father of euer bleſſed Memory.

Coll^o Allerton

M^r W^m Sherwood

M^r ffittzhugh

M^r Rich: Perrott

M^r Jos: Woory

M^r Peter Prefly

Cap^t Taylor

Coll^o Jn^o Weſt

Are appointed to waite upon his Exlncy with y^e Seuerall Adreſſes according to the Votes of this Houſe this morning.

To His Exlncy and the Hon^{ble} Councill.

Saturday Aprill y^e 26^e 1684.

May it pleaſe yo^r Exlncy & Hon^{rs}

The Com^{tee} of Propositions and Grievances haue this day giuen in a Reporte to this Houſe of a printed Booke entituled *a compleate Col'edion of y^e Lawes of Virg^a* w^{ch} they Report to be uery falſe and Imperfect.

The Houſe of Burgefles doe therefore Humbly pray yo^r Exlncy, That y^e ſaid Bookes may be ſuppreſſed, And that you will be pleaſed, That Cap^t John Puruiſ Comander of of y^e Shipp Duke of *Yorke*, who is Said to be y^e publiſher and Importer of diuers printed Copies of y^e fd Booke, be Commanded forthwth to appeare before this Gen^{ll} Affembly to Anſwer for his miſdemearor in preſumeing to publiſh withoute Licence a booke of y^e title & Contents, to y^e Great Scandall & Contempte of y^e Gou^r of this his Ma^{ties} dominion.

And whereas y^e Inhabitants of *Northumberland* County & other y^e Inhabitants of *Potomeck Neck* within this his Ma^{ties} dominion haue taken up diuers tracts of land there and haue been at Great Charge to ſeate ſame & defend y^e Same And haue poſſeſſed y^e fame many yeares & haue ſince their takeing up ther'of made their application at diuers times, according to y^e Vſuall Cuſtome in ſuch Cafes uſed by y^e Reſt of y^e Inhabitants of this dominion for the obtaining of pattents for y^e Said land and Yet haue not obtained any whereby y^e ſaid lands might be ſecured to y^m y^e fd Inhabitants their he^{rs} & Affignes.

The Houſe of Burgefles therefore in behalfe of y^e ſaid Inhabitants of *Northumberland* County and y^e other aforemenconed doe humbly pray yo^r Exlncy That they may haue their ſeuerall parc'ells of land by them taken up ſeated held & poſſeſſed as aforeſaid and what lands ſhall be by them or any of them hereafter taken up Granted and Confirmed to them and their poſterity by pattent und^r y^e fame Condiçons, as his moſte ſacred Ma^{ties} Subjects of y^e other ꝑts of this his Dominion doe hold & enjoy their lands from His Ma^{tie}

The Houſe of Burgefles doe further Humbly pray yo^r Exlncy, & the Hon^{ble} Councill y^t you will be pleaſed to Joyne with this Houſe in an Humble ad'reſſe to his moſt ſacred

Ma^{tie}

Ma^{tie} That he would be Gratiouſly pleaſed of his Great Grace and Royall fauor to y^e Inhabitants his Ma^{ties} Subjects of this Dominion that Appeales may lye and be made from y^e Gen^l Courte to y^e Gen^l Affembly according to y^e Lawes and Antient practice of this Country ꝑmitted and allowed by his moſt ſacred Ma^{tie} and his Royall father of euer bleſſed Memory.

The Houſe adjournes to *Tueſday* in y^e afternoon,

Tueſday Aprill 29th 1684.

Poſt Meridiem

THE Houſe Mett

The Second Writt for *Northampton County* Returned is Read Whereon Cap^t *John Cuſtis* is Returned Burgeſſe & approoued by the Houſe.

The Anſwer to the Adreſſe of *ſaturday* laſt to his Exl^{ncy} is Read in the Houſe,

The Copie of his Exl^{ncys} Anſwer to the ad'reſſe of the 26th *Aprill*.

By his Exl^{ncy}.

M^r Speaker

To the 3 propoſalls offered to mine & the Councils Conſidera^{co}ns from yo^r Houſe you will herewith Receiue y^e following, I hope ſatiſſactory Returnes.

To yo^r firſt propoſall my ſelfe & the Council doe concurr in yo^r preſentment of y^e Booke, Intituled *a Compleate Collec^{co}n of y^e Lawes of Virg^a* to bee ſuppreſſed & to y^e Intent & purpoſe an order of Council is already made And ſhall ſpeedily Goe forth, into all Counties ord'ring ſignifying & declareing to each Reſpectiue Countie in this his Ma^{ties} dominion, not to Receiue admitt or allow in any Courte of Judicature the aforeſaid Booke or any pte ther'in Contained to be the Lawes of this his Ma^{ties} Colony & dominion of *Virg^a* & Whereas you preſent Cap^t *John Puruiſ* as the author thereof he ſhall receiue my reprehention for y^t his preſumption & forwardneſſe.

Whereas It is preſented as a Grievance of the *Northern Neck* y^t they are under uncertaine condi^{co}ns as to their Lands pattents not Iſſueing to y^m as to other Inhabitants of this dominion, His Ma^{tie} oute of his Great Goodneſſe Grace & fauour has been pleaſed to take y^e ſame under his Royall Conſidera^{co}n, in w^{ch} I doe dayly expect to Receiue from *England*, And by y^e ariual of y^e next ſhip (doe hope) ſhall Receiue ſuch direc^{co}ns as may aſſure the Inhabitants of y^e *northern Neck*, y^t their Lands will be Confirmed unto y^m under the ſame tenures as y^e reſt of his Ma^{ties} ſubjects of this Colony hold their Lands, Therefore cannot take this to be a ſuitable time to make any representation of it to his Ma^{tie} leaſt we ſhould ſeem to Anticipate y^e Intentions of his Ma^{ties} Goodneſſe to us, But, in caſe matters ſhould ſoe interuene y^t this concerne between this & the meeting of y^e next Gen^l Affembly be not Comoded, my ſelfe and the Council will then readily Joyne with y^e Houſe of Burgeſſes in a fitt Reſpresenta^{co}n of y^e ſame to his Ma^{tie}

And whereas you requeſt y^t an humble ad'reſſe be made to his Ma^{tie} That appeales may lye open as formerly from y^e Gen^l Courte to y^e Gen^l Affembly. It is what I can in noe ꝑte admitt of his Ma^{tie} hauing been pleaſed by his Royall inſtruc^{co}ns to direct & command, That noe appeales be open to the Gen^l Affembly but from y^e Gen^l Courte to his Ma^{tie} in Council which Method as its my duty I ſhall ſtrictly obſerue, But in caſe it be apprehended that y^e aſcertained ſūme of one hundred pounds ſter ſett for appeales be too Low & eaſy & may giue vexa^{co}us ſpiritts the occaſion of too frequent appeales I and the Council will Joyne with your houſe in an humble ſupplication to his Ma^{tie} That his Ma^{tie} will be pleaſed to giue his Commands that noe Appeales ſhall be ꝑmitted under the Reall Value of two hundred pounds ſter

Aprill 24th 1684

Effingham

Coll^o *W^m Cole* and Coll *Jⁿ Page* at y^e Requeſt of this houſe come & Adminiſter the Oths of Allegiance & ſupremacy & y^e Oth of a Burgeſſe to Cap^t *John Cuſtis*.

The

The Com^{tee} of Claines Give in a Report by Coll^o W^m Kendall which is Read.

Vpon the debate of this Report w^{ch} is Concerning the encouragem^t upon the Manu-
factories of Linnen, woollen &c, Ordered y^t y^e further Debate of this matter be referred
to another meeting of this Houfe.

A Bill intituled *an Act for altering the time of holding Gen^l Courtes*, Read in the
houfe y^e first time & ordered to be againe Read to morrow morning.

An adrefse Reported to y^e Houfe from y^e Com^{tee} of propositions and Grievances
Concerning Appeales to *England*, Coll^o Codd's Cafe, Read & amended & ordered to be
faire Written and prefented to his Exl^{ncy} by

Coll^o John West

Cap^t Washington

Cap^t Matthewes

Cap^t Page

M^r Allombly

Cap^t Taylor

L^t Coll^o ffarrer.

Cap^t Jⁿo Custis.

To his Exl^{ncy} Francis Lord Howard Baron of Effingham his Ma^{ties} Lin^t And Gow^r
Gen^l of Virg^a with the Hon^{ble} Councill of state.

Aprill 29^e 1684.

The Adrefse of the Houfe of Burgefles.

Humbly p^rfeneth

That whereas by his Exl^{ncys} Anfwer to y^e adrefse of this Houfe And by his facred
Mat^{ies} Instruc^{cons} Com^{unicated} to this Houfe, It is thereby p^rmitted, for any p^rfon
being unfatisfied with the Judgem^t of the Gen^l Courte. To appeale to his facred Ma^{tie}
in Councill from any fuch Judgement Exceeding the Reall Value of one hundred pounds
giueing security & p^rforming what other Injunc^{tions} y^e Instruc^{cons} aforefd doe Require,
Which Grace of his facred Ma^{tie} to us his Loyall Subjects, we cannot but ap^rehend in
y^e moft dutifull fence. Yet forasmuch as it is Already apparant of how euill Confequence
fuch Liberty may be by the Aduantage Ill difpofed p^rsons may take by falfe & malicious
fuggeftions not only to vex & moleft nay utterly Ruine p^rsons of honeft & Quiet difpofi-
cion, but alfoe to Libell and asperfe the Gou^{nm^t} an instance whereof is moft pregnant
& vifible, in M^{rs} Sarah Bland who (as it is upon noe infuffient Grounds belieued hath by
fuch like practice obtained Order from his Ma^{tie} in Councill to Compell Coll S^t Leger Codd
to appeare at the Councill Table there to Anfwer a fuit in Law fully heard & determined
here by the Judgem^t of the Kings Gou^r & a full Councill in y^e Gen^l Courte upon the
verdict of an able Jury p^rfuant and aGreeable to the opinion of the R^t Hon^{ble} the then
Lord Chiefe Juftice North, And the Reft of the then Hon^{ble} Judges of y^e Courte of Com^{on}
Pleas; Dated the Eleuenth day of *November* 1679

Wee therefore Humbly pray yo^r Exl^{ncy} in the Behalfe of the faid Coll^o Codd y^t
upon Confidera^{con} of thefe falfe informa^{cons} upton [upon] w^{ch} y^t mandate requireing his
appearance there feemes to be Granted may be fufpended, till a full & true informa^{con}
may be giuen to his facred Ma^{tie} Concerning it & his Royall pleasure known therein as
hath bin y^e Method of fformer Gou^{rs} in y^e like Cafes.

The Houfe adjourns to y^e Drum for y^e houfe to Morrow.

Wednesday Aprill the 30th 1684.

THE houfe mett.

A Bill Entituled *An act for Altering the time of holding Gen^l Courtes* Read
y^e second time & ordered to be engroft,

A Bill Entituled *Repealeing too former acts, Concerning sheriffs takeing
Baile, and directing what baile shall be taken hereafter* Read the first time & ordered to
be againe Read.

The Peti^{con} of M^r Rich: Littlepage of New Kent County Read in y^e houfe & Referred
to the Com^{tee} of propofitions & Grievances.

The houfe adjournes to y^e next Drum for y^e Houfe.

Thursday

Thursday May 1^e 1684.

THE House Mett.

Propositions from *New Kent* Read and Comitted to that Com^{tee}

Vpon Reading the first Reporte of the Com^{tee} of Claimes Concerning the encouragem^{ts} for manufacture of Linnen, Woollen, Hatts &c and after a long & ferious debate of the same, and this House being Certainly informed from y^e Representatiues of feuerall Counties in this Country, That are Considerable Claimers from the publiq for y^e sd Encouragem^t, that the people of their Respective Counties haue declared That they haue by the prosecuting & following y^e manufacture of Linnen & Woollen Cloth been sufficiently Convinced of the Benefitt Aduantage and facilitie of such a manufacture w^{ch} is a uery Great and Considerable encouragem^t for their ^{ps}seuerance in y^e same & haue declared at their meeting for y^e giueing in their Grievances to y^e Assembly, That they are uery willing & well Contented for the Lessening of the publiq Charge of the Country not only to Haue y^e Act of *Novem: 1682* for the Encouragem^t afore^{sd} Repealed for y^e future but alsoe to Relinquish & acquit what encouragem^t is now due unto them y^e feuerall Claimers by Virtue of y^e said Act of *Novem: 1682* And it is thereupon Vnanimusly

Resolved That a Bill be framed by y^e Com^{tee} of propositions & Grievances, & Reported to the House for the Repeale of y^e said Act of y^e 10th of *Novem: 1682* for encouragem^{ts} & for the Acquittal of what is Already due & y^t ther'in prouision may be made for y^e securing & indemnifying of y^e feuerall Claimers by uirtue of that Act from all Clerks fees & other Charges that Haue acrued to them or any of them in order to y^e Obtaining the said encouragem^t from y^e publiq soe y^t they may not recieue any prejudice thereby;

The Petitions of Coll^o *Geo: Lyddall* & Cap^t *Jos: ffofter* of *new Kent* for allowinge for Ranging in the time of the late troubles from the *Seneca* Indians Read and ther'upon.

It is put to the Question

Whether upon any suddain inroad incurfion or inuasion of y^e Indian enemy or other into any County in this Country, The Militia officers & foldiers of such County ought not of Duty to theire utmost power and strength to defend their County or whether they ought to receiue pay from the publiq for y^e same,

Resolved that the Militia officers & foldiers in each County of this Country ought in Case of sudden Inuasion or Incurfion of any Indian Enemy or other to defend their Counties to their utmost power & abillity wth out any allowance from y^e publiq for y^e same.

Vpon the second Article of y^e 2^d Report of the Com^{tee} of Claimes Concerning M^r *Chiltons* Claim for Transcribing the Pattents, It is *ordred* that the Com^{tee} doe take y^e same into further Consideraçon & Report their opinion thereon to y^e House in their Gen^l Report.

The Bill, intituled *an Act for Altering y^e time of holding Gen^l Courts.* Read y^e 3^d time & past the House.

Ordered y^t it be p^rsented to his Exl^{ncy} & Councill for their assent.

A Bill Intituled *an Act Repealing two former Laws Concerning Sherriffs takeing baile & directing what Baile shall be taken hereafter* Read the second time & ordered to be Engroft and againe Read to Morrow.

A Bill Intituled, *an Act Concerning Escheates & Composicions* Read y^e first time.

A Bill Intituled *an Act for the better preseruatiō of y^e peace of Virga & preuenting unlawfull & treasonable Affociations* Read y^e first time.

Vpon Reading the Report of the Committee of propositions &c concerning the Rebuilding the State house at *James Citty*, And the Charge thereof paid out of the 2 shillings ⁷/₈ hh^d

Resolved that An Adresse be made to his Exel^{ncy} to morrow morning in order thereunto,

Vpon the second Article of y^e Report Concerning the Reuiseing digesting, Correcting and amending the Lawes.

Resolved

Resolved that his Exlncy and the Councill be adrest, That some of the Hon^{ble} Councill may be assigned to Joyne with such Gentlemen as shall be appointed by the House of Burgeses, to the end aforementioned to make Report to the next Assembly.

Cap^t Page

Cap^t Custis

Mr Allomby

&

Cap^t Washington

Are Appointed to acquaint Mr Auditor *Bacon* from this House that it is their desire & Request to Receive an acco^t of y^e 2 shillings p^{r} hh^d and to pray him to Assigne some Conuenient time y^e begining of next weeke when they shall Receive y^e same from him.

A Bill Intituled *an Act ascertaining y^e Bounds of Warwick County* Read y^e first time.

The House Adjournes to y^e Drūm for y^e House to Morrow.

Friday May 2^d 1684.

THE House Mett

Cap^t *francis Page* Reportes That he (with y^e Rest of y^e Gentlemen thereto appointed) Hath Acquainted Mr Auditor *Bacon* with the Request & desire of the House Concerning y^e Accompt of y^e 2 shill p^{r} hhog^d And that he said y^t he would waite upon his Exlncy to know his pleasure therein.

And further doe Report y^t afterwards Cap^t *page*, with y^e Rest being Called unto his Exlncy, His Exlncy sd he thought y^e House of Burgeses had known better then to haue medled with y^t w^{ch} did not belong to them,

It is Referred to y^e Committee of propositions & Grievances to draw up an Adresse to his Exlncy, praying that this House may Receive an Accompt of y^e 2 shi^{ll} p^{r} hh^d wherein they are to lay down the Reasons for w^{ch} this House doth require y^e same from Mr Auditor *Bacon*. & in order thereunto they are to inspect y^e Journall of y^e Assembly of *June* 1680 And all other book's papers Records &c y^t may giue them any light or information therein. And to Report y^e same to y^e House with all Conuenient Expediçon. And y^t y^e Clerké of y^e Assembly be attendant to this Com^{tee} in this Affaire.

Coll^o *Tho: Pate*

Cap^t *Applewaite*

Cap^t *fox*

Mr *Brossfear*

Mr *Woory*

Mr *Allomby*

Mr *Perrott*

Mr *Knight*

Are Appointed to waite upon his Exlncy with y^e following Adresse. According to y^e note of yesterday.

May it please yo^r Exlncy

The House of Burgesies haueing under their Consideraçon y^t part of his sacred Ma^{ties} Instruccions to yo^r Exlncy Concerning y^e speedy Rebuilding of *James Citty*.

As a Testimony of their Ready obedience & Compliance to his Ma^{ties} Desires, And Royall Instruccions doe humbly propose to yo^r Exlncy. And the Hon^{ble} Councill, That forthwith y^e fstate House at *James Citty* y^t was Burnt down by *Bacon* & the Rest of y^e Rebels in the time of Rebellion, may be Reedified, And that yo^r Exlncy will be further pleased, That such money out of his Ma^{ties} Reuenue of two shill p^{r} hh^d And fort Duties as is undisposed of now or hereafter shall be to other v^{ses}, may be appropriated to the use of His Ma^{tie} and the Colony towards y^e Rebuilding of y^e sd fstatehouse, and other offices necessarily Requisit thereunto, The P^{re}sent Indigency and want Amongst y^e Generality of y^e Inhabitants being uery Great.

The House of Burgeses doe further Humbly pray yo^r Exlncy, y^t you will please to Assigne some of the Hon^{ble} Councill to Joyne with such Gentlemen as shall be (by An Act to y^t end made) Appointed & Impowred to Reuise, Correct Digest, and amend y^e Lawes of this Colony, And Report y^e same to y^e next Gen^{ll} Assembly, Which is by this House Judged a Work of necessity, & will be of Aduantage And Reputation to y^e Country.

Coll^o *Pate* & the Rest of y^e Gentlemen Return and Report they haue deliuered y^e Adresse.

The

The Bill Intituled *an Act Repealing two former Acts Concerning sherriffs takeing Baile & directing what Baile shall be taken hereafter* being Read y^e third time, It is put to y^e Question.

Whether this Bill shall passe, or be Rejected.

Resolved That the Bill be Ejected.

The Bill Intituled *an Act for y^e better preferuation of y^e peace of Virga and preuenting unlawfull & treasonable Affotiacions*—Read y^e second time & Ordred to be Engroft.

A Bill Intituled *an Act Concerning Escheats & Composiçons* Read y^e second time and Ordered to be Engroft.

A Bill Intituled *an Act Ascertainning y^e Bounds of Warwick County* Read y^e second time.

Vpon the Question whether this Bill shall be againe Read.

Resolved, In the Affirmatiue

The Houfe Adjournes to y^e 3^d Drúm to Morrow.

Saturday May the 3^e 1684

THE Houfe mett.

The Adresse to his Exlñcy. Reported from y^e Comt^{ee} of Grieuances. Read approoued & sent to his Exlñcy by

Coll^o Pate

Cap^t ffox

M^r Woory

M^r Perrott

M^r Broffear

M^r Allomby

Cap^t Matthews

Cap^t ffofter

They Acq^t the Houfe they haue deliuer'd the Adresse.

Wheras by Act of Affembly made Anno 1680, Intituled *an Act for Raifeing a publick Reuenue for the better support of y^e Gouvernement of this his Ma^{ties} Colony of Virginia*, It is there inferted as Grounds and Reasons for passing y^e said Act, That there is a Great & Continuall Charge Required for the maintenance of y^e Gou^r & feuerall other officers and P^{er}sons as alsoe for the fort & fortifications, besides many other Contingent expences absolutely necessary for y^e support of the Gouvernm^t of this Colony—In pursuance of y^e full intent & meaning of former Acts laying such imposition for Defraying y^e publick Charge w^{ch} according to y^e true intent thereof hath euer been accounted for to y^e Gen^{ll} Affembly, by a Com^{tee} to y^e purpose appointed thereby to preuent y^e peruerting y^e Vses & intentions of the said Imposition, and soe determined to be the true intent of y^e said Act by y^e full Concession and Resolue of the Lord *Culpeper*, Late Gouern^r as at large Appeares upon y^e Journall of this House in his speech & other answers and Resolues there Remaining. And forasmuch as upon the Request of this house made to y^e Auditor *Nathan^{ll} Bacon* Esq^r & a Report to this house from his Exlñcy thereupon seeming to Imply, y^t it was besides the Intent of y^e said Law y^t y^e said Imposition of 2 shill: 7^d hog^d ought to be accounted for to y^e Gen^{ll} Affembly, as formerly when as by the expresse words of y^e said Act, it is said y^t it shall be Employed To support the Gouvernm^t, and supply Contingent Charges as before expressed & to & for noe other use intent or purpose whatsoever—this house doe thereupon humbly Conceiue y^t not only the Gou^r and Gouvernm^t officers and fortifications & other known & Certain Charges are thereby to be supported, but alsoe such Contingent and uncertain Charges as may accrue soe far forth as y^e said Imposition is sufficient to defray are to be Alwaies supplied & maintained which to prooue, this House for Argument doe humbly Conceiue first although y^e Infating y^e said Reuenue in his Ma^{ties} something in a different method in words from y^e former Act as his Ma^{ties} Royall prerogatiue requires may be Construed a Voluntary relinquishment of any Right to Receive accompts of y^e said Reuenue yet y^e uery import of y^e said Law & the uses therein Limited doe plainly denote y^t the former V^sage & custome of accounting for y^e same was not in the least therby Altred or infringed but only y^e Law in words

Reduced

Reduced to a more proper Method & y^e Effect & Execution thereof Referred to y^e former Constant use & practice for all Contingencies being not possible to be foreseen or prevented it had bin unnecessary to haue soe explained y^e intent of y^e Law if it had not bin thereby intended to make Appare by account whether such Contingent Charges Could out of y^e Reuenue be supplied or not.

May it please yo^r Exlncy

For these Reasons this House did send to M^r Auditor *Bacon* their Request y^t they might Receiue accompt of y^e Reuenue and doe now humbly pray yo^r Exlncy to haue y^e same under yo^r Consideration and Vouchsafe yo^r Exlncys Order & Comand to y^e said M^r Auditor *Bacon* that this house may accordingly Receiue an accompt thereof.

The Com^{tee} of Claimes Giue in a Report by Coll *Kendall* And it is Concerning y^e sume of 98000 pounds of tobacco pd by M^r *Secretary* to y^e soldiers (as is Conceiued by y^e Com^{tee}) out of y^e Quit-Rents as Attorney of y^e R^t Hon^{ble} y^e Lord *Culpeper* and it is referred to y^e Com^{tee} of propositions & Grievances to Consider enquire & Report to y^e House by what power y^e Quitrents haue bin Receiued by y^e said Lord *Culpeper* to y^e intent y^e Claime of M^r *Secretary* for y^e 98000 pounds of tobacco may be Answered.

The Bill Intituled *an Act for y^e ascertaining y^e Bounds of Warwick County* Read y^e 3^d time.

Vpon y^e Question putt

whether this Bill shall passe

Resolved y^t y^e Bill pass & be p^resented to his Exlncy & Councill for their Assent.

A Bill Intituled *an Act Concerning Escheates & Compositions* Read y^e 3^d time, and past y^e House.

A Bill Intituled *an Act for y^e better preservation of y^e peace of Virga and preuenting unlawfull & treasonable associations* Read & past the House.

All w^{ch} 3 last bills past with a bill intituled *an Act for Altering y^e time of Holding Gen^l Courts* are Carryed to his Exlncy & y^e Councill for their Assents, by

M^r *Hen: Hartwell*

Cap^t *Custis*

M^r *Randolph*

Maj: *Kearne*

Cap^t *Taylor*

&

M^r *Woory*.

They Returne & Acquaint the House they haue d^d y^e Bills to his Exlncy.

The House Adjournes to y^e Beat of drum for y^e House.

Munday May 5th 1684

THE House mett.

A Report from y^e Com^{tee} of propositions & Grievances dd into y^e House
 By Coll^o *Ballard* is Read & Ordered the ffollowing Adresse be forthwith sent to his Exlncy.

To His Exlncy.

The Humble Adresse of y^e House of Burgeffes.

Whereas his Ma^{ty} by his Instruccions to yo^r Exlncy Communicated to this House thought necessary y^t a house should be built for the Residence of you our Gou^r & such other Gou^r as his Ma^{ty} shall at any time hereafter please to Appoint.

The House of Burgeffes in pursuance thereof do humbly propose to yo^r Exlncys Consideration the most fitt place for y^e purpose aforefaid, together with a modell of such house as alsoe an estimate of y^e Charge of building to y^e end this house may Consider of y^e most pro^{pr} & Ready meanes for defraying y^e Charge of building & finishing y^e same.

M^r *Chilton* brings from his Exlncy two of y^e Bills of y^e 4 sent from this House on *saturday* last viz^t the Bill Intituled *an Act for the preservation of y^e peace of Virga & preuenting unlawfull and treasonable associations*. Assented to with some propofalls of amendm^{ts} w^{ch} being 3 times Read in y^e house are Allowed.

The other a Bill Intituled *an Act for Altering y^e time of holding the Gen^l Courte* which is alsoe assented to.

Together

Together alsoe with 2 Messages in writeing which follows.

By his Exlncy.

M^r Speaker

Myselfe & y^e Councill referred to y^e Consideraçon of yo^r house y^e petiçons of Coll^o *Isaiah*, Cap^t *Jfofter* & others on y^e behalfe of themselves & feuerall Inhabitants of *New Kent* & other Counties for satisfacion for seruices by them well p^rformed this winter ag^t y^e Coñon enemy y^e *Seneca* Indians, in y^e extremity of weather to their Great hazard, charge & care comãded thereunto by y^e well p^rformed care of y^e then president & Councill for y^e preferuation of y^e Inhabitants of y^t part of his Ma^{ties}, Country whereby not only y^e Inhabitants were preferued in their liues & fortunes, but likewise our neighboring Indians, relieued, defended & protected, & if such seruices must passe unrewarded & unsatisfied, It will be impossible for me to p^rforme y^e duty incumbent on me as his Ma^{ties} Lau^r and Gou^r Gen^l of this Dominion in defending preferueing and protecting his Ma^{ties} *English* Subjects, or Indians, either in their liues or fortunes ag^t y^e incursions & inuasions of our known & Coñon enemy y^e Indians to w^{ch} by y^e manner of our seating & inhabiting we lye soe open, y^t it requires for y^e defence thereof such seruices both in time and accidents, y^t cannot be foreseen by y^e Gouvernm^t but as y^e uery present occasions requires, I must therefore desire you & enjoyne you to take y^e same under your better considerations, & for y^e same to make such satisfacion, as his Ma^{ties} Subjects may be encouraged to manifest their ready Duty for y^e preferuation of y^e Inhabitants, in case of such accidents, & I his Ma^{ties} Gou^r enabled to p^rforme my part, with y^e aduice of y^e Councell, in takeing & p^rforming such fitt meafures, for y^e preferuation of his Ma^{ties} subjects, as time, accidents & occasions may & will require.

Effingham.

May 3^d 1684.

M^r Speaker,

Whereas by y^e Adresse of yo^r house to me in y^e action between M^{rs} *Bland* & Coll. *Codd* you desire a suspension of his Ma^{ties} order requireing Coll^o *Codd*'s appearance either in p^rson or by his Attorney duely qualified, to Answer y^e determination of his Ma^{tie} in Councill therin, his Ma^{ties} order is possitiue, & requires my obedience, & therefore I may not, nor ought to suspend it, but to y^e intent his Ma^{tie} & Councill may be fully informed, how fairely, regularly & Judiciously this Gen^l Courte here has proceeded in all partes of y^t suit, & how unfairely & untruly y^e matter has been represented by M^{rs} *Bland*, I shall order y^e same to be truly & fully stated & humbly presented to his Ma^{tie} & Councells Consideraçons, by which (I cannot doubt) but y^e Gouvernm^t will be Righted, my obedience testified, & y^e ends of yo^r desires answered.

You^r propofall of Rebuilding y^e principall feat of Judicature, in *James City* hath been by me & y^e Councill Considered, & Concurr with you in opinion, that it is a most necessary worke to be done and should with all freeness and Readiness haue granted the Charge thereof to haue been Carryed on by his Majesties Reuenue, if there were any money in banck undisposed of which hath fallen yearly far short of answering those payments and falleries, his Majesty by his Royall Commands has been pleased to direct to be made & paid out of it, And the Reuenue is thereunto now Considerably in arrear, if it had not, you had been eased of many petitions (for seruices don for yo^r and the Countries preferuation) Referred to yo^r house this Affembly for satisfacion, but as a fitt meanes for the Carrying on of that worke I must remind you of his Ma^{ties} Instruction for the Raifeing a duty on Liquers Imported, as the most easy meanes for the better Support of the Gouvernment which shall be solely appropriated to that and the like good publique vses, to y^e best benefitt and honour of the Gouvernment & will be Raised by an Insensible Charge to the Inhabitants, which as it Requires your most serious Consideration, for I must enjoyne you to y^e same.

Whereas you presented me with a bill ascertaining the Bounds between *Warwick* and *York* Counties, I shall Giue directions forthwith for y^e Laing out the bounds of the aforesaid Counties, pursuant to his Ma^{ties} Royall Authority deriued unto me by his

Majesties

Majesties Comission under the broad seale, willing, impowering & Comanding me to ascertain y^e bounds of Counties w^{ch} I shall doe by faire & euen meanes by appointing & authoriseing fitt & unconcerned Persons to bound the same.

Myselfe and the Councell haue Considered your bill formed and presented Concerning Escheates and Compositions in which you haue soe extended the words of his Ma^{ties} Royall Charter that your desire therein seem unlimited and to giue a Right of descent Contrary to the Courie of Law if it were in Cases of Just Right of Inheritance whereas the words of the Charter in its exprefs words Grants that Royall fauour noe farther then to y^e present possessor and as I cannot think fitt to extend the words of his Majesties Grant to those large Constructions soe neither doe I take this a proper time or season to offer to his Ma^{tie} any thing of this nature, his Majestie haueing by his Royall Grant passed & Confirmed y^e same unto the R^t Hon^{ble} Henry Earl of Arlington as alsoe to the R^t Hon^{ble} Thomas Lord Culpeper and (out of his Intended Grace and fauour to the Inhabitants of this his Colony) hath the same now under his Royall Consideration therefore to aske now may be soe ill timed that it may be taken for an anticipation of his Ma^{ties} good intentions of fauour to his subjects of this his dominion but to the Intent you may soe far Receiue satisfaction as is fitt at p^rsent to be done such measures shall be taken in the Granting of Escheates as his Ma^{ties} Royall Charter in its Literall parte directs and soe to be obserued untill I Receiue the signification of his Majesties Royall pleasure therein,

His Majesty has been pleased by his Royall Instruction to Comand me with the assistance of yo^r Councell to take care that all the Lawes now in force be reuised Considered and Represented to his Ma^{tie} for his approbacon, or disallowance of the same which I shall accordingly make my care to be drawn into one Compleat body against the next Assembly pursuant to his Ma^{ties} Royall Instruction to the intent the same may be presented to his Ma^{tie} that we may Receiue the signification of his Ma^{ties} Royal pleasure either in the Approbation or disallowance of them.

Effingham

The Com^{tee} for y^e examination of y^e Certificates for apprehending of Runawaies bring in their Report by Coll^o Pate.

Major Swan

Cap^t Applewaite

M^r Broffear

M^r Weekes

M^r Abry

Cap^t ffox

are Apointed to waite upon his Exl^{ncy} with y^e Adresse Concerning The House for the Gou^r

They Returne & Report by Major *swan* that they haue dd y^e Adresse and his Exl^{ncy} saith the House shall forthwith Receiue an Answer thereto.

Vpon the Message from his Exl^{ncy} Concerning y^e Claimes of Coll^o Lyddall and Cap^t ffofter of new Kent

Vpon Debate thereof it is Ordered, That Coll^o West & Cap^t ffofter doe withdraw.

Resolved That Coll^o West and Cap^t ffofter by Communicating y^e vote of this House without order of this House and by Cap^t ffofter takeing away & not Returning his petition haue highly infringed the priuiledges of this House Contrary to their duty, And it is therefore ordered, That y^e said Coll^o West and Cap^t ffofter doe presently acknowledge their fault and submitt themselues and beg P^{don} of the House for y^e same, And that they be sharply Reprehended by M^r Speaker,

The following Adresse Ordered to be sent to his Excellency.

To his Exl^{ncy}

May it please your Exl^{ncy}

The House haueing this Day Rec^d a Message by the hands of M^r Chilton Concerning the petitions of Coll^o Geo: Lyddall & Cap^t ffofter wherein yo^r Exl^{ncy} desires & enjoynes the House of Burgesies to take y^e matter of y^e sd peti^{cons} under their better Consideracon Which y^e House haueing duely weighed & Considered & haueing Examined y^e Journall

shall Cannot find y^e by any order or vote of this house your Exlñcy & y^e Councell haue Re'ced any accompt of y^e proceedings in y^e matter of y^e sd peticons, upon w^{ch} they doe Conclude y^t y^e Grounds of y^e Message from yo^r Exlñcy to this House, Concerning y^e same is upon the imformation of some p^{ar}ticular p^{er}son Contrary to y^e priuiledge and vsuall p^{ro}ceedings of Assemblies.

And therefore y^e house of Burgeesses, doe humbly pray yo^r Exlñcy not to Receiue any informations of y^e proceedings of this House, so as to Ground any Resolution there-upon, unlesse they shall Come to yo^r Exlñcy in Regular manner, according to y^e vsuall form and practice in Assembly proceedings.

The House adjournes to y^e Afternoon

Post Meridiem

THE House mett.

Cap^t Custis

M^r Allomby

L^t Coll^o ffarer

M^r Weekes

Cap^t ffox

are appointed to waite upon his Exlñcy with the Ad'resse in answer to his Message concerning Coll^o Lyddall, & Cap^t ffofter.

Cap^t ffofter & Coll^o West being sent for by y^e house seuerall times & delaying to appeare are brought into y^e house by y^e Sherriffe, & being acquainted with y^e order of this House by M^r Speaker, & Admonished to make their submission according to y^e said Order, which they Contumaciously and obstinately Refuseing,

The House doe therefore Order that the sd Coll^o John West, & Cap^t ffofter, be suspended & y^t y^e sherriffe of James Citty doe forthwith take y^e said Coll^o Jⁿ West & Cap Joseph ffofter & them Comitt to their Chamber to w^{ch} they are strictly Confined till further order from y^e House.

Cap^t Custis & y^e Rest of those Gentlemen Report y^t they haue deliuered the Ad'resse to his Exlñcy, and that he was pleased to say, That he thought y^t y^e petition of Coll^o Lyddall & Cap^t ffofter had bin wholly Rejected by the house, and that if there were any Mistake it was on his side and he would amend it for y^e future.

Resolved that an Adresse be drawn & presented to y^e house to Morrow morning Reinforcing y^e houses former request with y^e Reasons for y^e same Concerning y^e Accompt of y^e Reuenue of 2 shi^{ll} p^{er} hh^d and fort duties.

It is Referred to y^e Com^{tee} of propositions and Grievances to draw up an adresse to his Exlñcy concerning y^e Escheates & Quit rents haueing Regard to his Ma^{ties} Gracious Charter to this Country in Answer to his Exlñcys Message This day Re'ced Concerning it & alsoe to sett forth y^e necessity of this houses Joyning some Gentlemen with their Hon^{rs} in y^e Reuiseing & Correcting the Laws of this Colony in answer to y^e last part of his Exlñcy's Message.

A Bill Intituled *an Act for y^e Repealing of y^e Act for encouragement of y^e manufacture of Linnen & woollen Cloth*, Read y^e first time.

Ordered y^t M^r Wilson, and M^r Allomby giue y^e thanks of the House to M^r Page for his sermon Yesterday

The House adjournes to y^e 3^d drum to morrow.

Tuesday May y^e 6th 1684

Post Meridiem

THE House Mett

Vpon a Motion made for Coll West and Cap^t ffofter that they might haue Copies of the Resolues of this house w^{ch} Concernes their Confinem^t

Resolved That they ought to petition to the House.

The petition of Major Beuerly Read, & it is Referred to y^e Com^{tee} of Claimes.

M^r

Mr *Chilton* brings 2 Letters from his Exlncy w^{ch} he sd his Exlncy Recommended to the P^rufall & Consideration of y^e house both w^{ch} are Read & Comitted to the Consideration of the Com^{tee} of propositions & Grievances.

An Adresse Reported from y^e Com^{tee} of Grievances by Mr *ffitzhugh* Read in the house and approued and ordered to be engroft.

Vpon a Motion, made by Coll^o *Kendall* from the Com^{tee} of Claimes y^t wheras there are feuerall Claimes now lying under their Consideration from *New Kent* in w^{ch} they cannot well proceed without Conference with Coll^o *West* & Cap^t *ffoster* now under Confinement.

The house doe therefore Impower the sd Com^{tee} to fend for y^e said Coll *West* and Cap^t *ffoster* by some officer attending this house to the end they may goe on in the finishing their Report.

A Bill for Repealing the Act for Encouragement of Manufactures of Linnen & Woollen Cloth, Read the second time, Ordered to be engroft,

A Bill Intituled *an Act Repealing the former Act of Cohabitation and directing a way more practicable for that purpose & for building of townes* Read y^e first time & Ordered to be againe Read to Morrow.

Ordered that the two following Adresses be p^resented to his Exlncy by

Coll^o *Pate*

Cap^t *Page*

Cap^t *Custis*

Cap^t *Washington*

L^t Coll^o *farrer*

Cap^t *ffox*

Mr *perrott*

Mr *Knight*

To his Exlncy

May it please yo^r Exlncy

The House of Burgeffes by an humble Adresse to yo^r Exlncy dated the third instant did humbly supplicate yo^r Exlncy for the accompt of 2 shillings p^r hoghead and fort Duties to w^{ch} your Exlncy hath not yet bin pleased to Return any Answer, And this house haueing now under Consideration diuers matters Relateing to his Ma^{ties} Reuenue here find it necessary they should be acquainted how high y^e same doth rise to y^e end that they may take y^e better measures in their proceeding therein, and therefore doe againe supplicate yo^r Exlncy y^t you will be pleased to let them Receiue an accompt of y^e said Reuenue of 2 shi^{ll} p^r hoghead & fort Duties in such Conuenint time as yo^r Exlncy shall Judge Requiste. That the further proceedings in y^e afores^d Affaires may not be impeaded thereby.

May 6. 1684

To his Exlncy

The Humble Answer & Adresse of the House of Burgeffes.

That we haue a Royall Charter from his sacred Ma^{tie} from under the Great Seale of *England* wherein we are Assured of an Imediate dependance upon his Ma^{tie} and the full Enjoyment of our Antient V^sages & Customes, & a full and further Confirmation of our Law Concerning Escheates together with a settlement who of Right ought to be purchasurs and the Rate should be paid for y^e same wherein there is no xception, of any former or other Grants, nor by our diligent search made Can we finde any that Contradicts, or in the least infringes the same And whereas it is objected to us That our desires, in our bill of Escheats seem unlimited & to giue a Right of Descent Contrary to the Course of the Common Law, To w^{ch} we humbly offer that his sacred Ma^{tie} of his Royall Grace in his said Charter hath departed with his Right to such Lands under such Considerations, & our bill only directs on whom the settlement of that Right which his Ma^{tie} hath bin pleased to giue ought to deuolue together, with other Clauses settling Reasonable fees in y^e officers Appointed for y^t purpose whose former unreasonable demands. are too well known, & by all Concerned sufficiently felt,

S^r Wee haue upon yo^r Exlncys Returne about the Reuiseing our Lawes dilligently & Consideratly Examined those feuerall Instruccons you were pleased to Communicate to us and in them find nothing of the Reuiseing of the Lawes. and humbly offer that Alteration

tion addition or diminution to any Law Quite takes away the force & vigour thereof w^{ch} is not againe to be Recouered, but by the Legiflative power w^{ch} by his Ma^{ties} Gracious fauour is Granted, to be in y^e Gen^l Affembly together wth his Royall Allowance thereto Therefore we Conceiue That that Reuifeing and Confideration which in it felfe implies Alteration And amendment, Cannot be begun but by y^e Aduice and Consent of the whole Gen^l Affembly, And after don & p^rformed cannot legally paffe without their Approbation Allowance & Confirmation.

Wherefore we humbly pray that y^e bill Concerning Efcheates may paffe and that y^e Lawes according to our former humble defires may be Reuifed Corrected & mended with y^e Addition of fome p^rsons by this houfe.

May 6. 1684.

Vpon Reading a Report of the Com^{tee} of Claimes Concerning feuerall fums due to feuerall p^rsons imployed about y^e skinns feized the laft Affembly on Board Cap^t Hall

Resolved that y^e feuerall fums ordered to be paid by y^e houfe of Burgefles to the feuerall p^rsons imployed about y^e skinns be now paid them by y^e publiq & foras-much as the matter about y^e Judgem^t of the Hon^{ble} Gouvernour and Councill now lies before the Kings Ma^{tie} in Councell the further Confideration thereof is Referred to y^e next Affembly.

The Houfe adjournes to y^e 3^d drum to morrow.

Wednesday May 7th 1684

THE Houfe Mett.

A Bill Intituled *an Act to Repeale the Act Giueing encouragements for the Linnen and woollen Manufacture* Read the 3^d time & paff y^e houfe *Nomine Contradicente* and it is *Ordered* that it be prefented to the Gour^t and Councell for their Affent.

The Bill Intituled *an Act Repealing the former Act for Cohabitation and directing a way more practicable for that purpose and for building of Townes* Read the fecond time.

The Houfe being diuided Concerning a Claufe in y^e faid Bill Concerning bringing and felling tobacco at the Appointed places and Concerning y^e forfeiture of Tobacco at other places fhipt of or fold and about the time y^e Act fhall take place.

Resolved that the Queftion fhall be putt

Whether the bill fhall ftand with a further Limitation of time to be Added for y^e putting y^e fame in Execution or not.

Resolved in y^e Affirmatiue

And that y^e Amendments as to time be Read, and that y^e bill with the Amendments be engroft and Read againe to morrow.

Vpon the Motions of feuerall Burgefles in Behalfe of their Counties who are inconveniently fcytuated for one place and mooueing that for y^e Conuenience of thofe people who liue remote from y^e places appointed,

It is put to the Queftion whether fuch Counties as are foe fcytuated: and will: build another towne at fome fuch other Conuenient place as they fhall agree upon befides the place in y^e Act nominated, may doe the fame or whether there fhall be but one towne in a County.

Resolved there fhall be but one Towne in a County.

A Priuate Bill Intituled *an Act Enabling Rich: Littlepage Sen^r to fell Land for payment of the Debts of Samuell Ouf tin Deceased* Read y^e firft time in y^e houfe.

Vpon the Queftion whether this Bill fhall be againe Read or Ejected

Resolved the bill be Ejected the Houfe.

Vpon Reading a Report from y^e Com^{tee} of propositions & Grievances Concerning a Vote in the faid Com^{tee} where the faid Committee vpon y^e vote was Equally deuided

It

It is put to the Question

Whether there shall be Garrisons with forty men at y^e head of y^e fower Great Riuers or whether it shall be againe Referred to y^e Com^{tee} of propositions &c. to Consider of some other way in order to the defence of y^e County.

Resolved That it be Referred to the Com^{tee} of propositions & Grievances to Consider of some other way for the defence of the Country.

Coll^o W^m Kendall brings in a Report from y^e Com^{tee} of Claimes, That haueing sent for Coll^o West and Cap^t ffofter in order to their Report upon y^e Claimes of *New Kent* County according to an order of this house Yesterday it is *Ordered* that the Note sent by Coll^o Kendall to them for their appearance, and their Answer thereunto be entred upon y^e Journall of this house and that y^e Com^{tee} of Claimes doe proceed tomorrow morning to y^e finishing their Report of Claimes,

The Coppyes follow.

Wednesday May 7th 1684

By the Chaireman of the Committee of Claimes

Coll West & Cap^t ffofter

Gentlemen by Order of y^e house of Burgeffes I am to Require you & doe desire you to appear at y^e Com^{tee} & Answer, to y^e feuerall Claimes of yo^r County y^t y^e Inhabitants thereof may not be prejudiced by yo^r Absence, W^m Kendall.

Coll Kendall

S^r we haue Reced yo^r Vote by y^e Sherriffe but being suspended by y^e whole house, belieue we cannot be Restored or be Capable of Complying with your Request without Ample Restoration from y^e house else we should be glad to perform our duty in that behalfe w^{ch} is from

Your Humble seru^{ts}

John West

Jos: ffofter

A Report from y^e Com^{tee} of propositions and Grievances Concerning y^e difference between the parishes of *Wallingford* & *Wilmington* Referred from y^e Assembly Nouem^r 1682 to this, Read,

Resolved That since it is within his Exl^{ncy} the Gou^{rs} Comission of Instructions the matter of y^e difference between y^e sd two P^{ishes} doth not lye before this House.

The House adjournes to the 3^d Drum to Morrow.

Thursday May 8th 1684

THE House Mett. & Called.

A petition of Coll^o West and Cap^t Joseph ffofter presented to this house Acknowledging their fault and humbly begging the pardon of this house being Read It is *Ordered* That y^e sd Coll^o Jⁿ West and Cap^t ffofter be forthwith sent for by M^r Sorrell the Messenger attending this House, And that their peti^{con} be entred in the Journall

And the said Coll^o John West and Cap^t Joseph ffofter Comeing into the house and owning the petition & submitting themselues their Confinement is by the House taken of and they are Readmitted to their places, and ordered to pay their fees.

To the Hon^{ble} M^r Speaker & y^e R^t Worshipth the House of Burgeffes.

John West and Jos: ffofter humbly sheweth

That yo^r peti^{con} being by the House Confined to their Chamber for some Ac^{cons} that were Affrontiue and not agreeing to the Rules of the House (Though by yo^r pett^{rs} neither Intended nor offered as a Contempt or Affront) but being don wholly out of zeale to serue the people and County whom they Represent, Yo^{rs} pett^{rs} therefore prayes
the

the Houfe to forgiue and pafs the fame by, they being forry, And willing to make fuch acknowledgment, as the Houfe fhall think neceffary, And that they may be Reftored as members of the Houfe

And they fhall as in duty bound pray &c

John Weft

Jos: ffofter

The Houfe Adjournes to y^e Afternoon.

Post Meridiem

THE Houfe Mett

And M^r *Speaker* Acquaintes the houfe he hath Reced 2 Meffages from his Excellency which are as follow

May 7th 1684

M^r *Speaker,*

I uery well accept of your Adrefse propofeing to my Confideration the moft fitt place for the erecting an houfe for me yo^r prefent Gouvernor and Succeeding Gou^{rs} purfuant to his Ma^{ties} Inſtruction, in the fame, which as I take it to be a good effect of yo^r ready obedience, to his Ma^{ties} Royall Inſtruction, foe I uery kindly accept yo^r early defires, of my being accomodated, with a fitt & fuitable houfe in y^e beft and moft agreeable part of the Country, in which I muſt own myſelfe, as yet too great a ſtranger, as to be poſitiue in my Choice, & therefore muſt take a longer time to uiew and Conſider, where & in what partes will be moſt agreeable and fuitable, for all Conueniencies for y^e Gou^r to refide in, of which I fhall haue time, betwixt this & the next Affembly fully to Conſider & Conclude on and therein fhall not only Regard the Gou^{rs} Conueniency, but likewise y^e Eaſe and aduantage of you y^e prefent Inhabitants and yo^r poſterity

Effingham

May 7th 1684

M^r *Speaker,*

In my Anfwer to you^r propoſall, for the Rebuilding the ſtate houſe in *James Citty*, I therein acquainted you, that his Ma^{ties} Reuenue was Conſiderably in arrear, to thoſe payments and falleries appointed by his Ma^{tie} to be made and paid out of it, which Generall Anfwer (I find by yo^r late adrefſe ſignifying yo^r defires to be permitted to receiue an accompt of y^e reuenue of two ſhillings ⁷/₈ hogſhead and fort duties) hath not giuen you full ſatiſfaction, and therein you ſet forth y^t you haue under yo^r Conſideration diuers matters relateing to his ma^{ties} reuenue, which you ſeem to ſay you cannot proceed in, untill you haue imſpected the ſame, though his Ma^{ties} Reuenue of this Colony hath been duely accounted for with the Lords of his Ma^{ties} Treafury, to whom it is only anfwerable, yet to aſure you of my willingneſſe to giue ſatiſfaction & to the intent yo^r affaires may not be impeaded, as alſoe expecting, that when upon yo^r inſpection of M^r *Auditors* accompts, you fhall thereby underſtand, that y^e reuenue anually falls ſhort of the falleries and payments to be made out of it, you will Cheerfully and without delay, proceed to y^e anſwering his Ma^{ties} expectations, In Raiſeing a duty upon Liquors imported, whereby to ſupport y^e Charge of the Gouvernment, out of thoſe Conſiderations, I haue ordered M^r *Auditor Bacon* to produce his laſt yeares accompt of the two ſhillings ⁷/₈ hogſhead & fort duties, to your Houſe as tranſmitted to the Lords of his Majeſties Treafury there allowed and paſſed.

To the bill prepared and preſented by yo^r houſe concerning eſcheates and Compoſitions, myſelfe and the Councell, after we had duely Conſidered ſeriously weighed and fully debated all parts thereof, returned you our opinions, both as to y^e particular branches and Generall Contents, and thereby aſſured you, that the Gracious & fauourable grant in his Ma^{ties} royall Charter in Eſcheates, ſhould be duely obſerued and performed

formed according to the expresse words of y^e Charter, which assurance, Could not doubt, but y^t it carried with it such full satisfaction, that I could not haue expected your thus insisting, To which I can only add that as I may not, nor can extend his Ma^{ties} royall Grant, beyond its own expresse words, soe neither will I suffer any diminution or lessening of his Majesties Grace & fauour granted therein to his Subjects, and for yo^r fuller satisfaction, do giue you my word, I shall giue such directions in the proceedings of Escheates, That his Ma^{ties} Subjects therein shall haue y^e full benefitt, as by the words of his Majesties Charter is giuen & Granted to his Ma^{ties} Subjects of this Colony, which as I hope is the full of what you therein Aime att, soe I haue good Grounds to beleue, that between this & the meeting of y^e next Assembly. I shall receiue assurance, that his Majestie has been pleased to Compensate his Grant made to the R^t Hon^{ble} Henry Earl of Arlington and Thomas Lord Culpeper of the Escheates and Quitrents, in y^e f^d Grant Contained, and y^t he'el be gratioously pleased to appropriate them to y^e Chiefe benefitt of this his Gouvernement of Virg^a if by an ouer hasty and Miftimed desire, we doe not seem to direct, Rather then to supplicate his Majesty where and when to bestow his Grace & fauour

In yo^r Adresse about the reuiseing of y^e Lawes, you say you haue considered my Instructions, which I Comunicated unto you, and in them you find nothing of reuiseing the Lawes, as I haue Comunicated unto you such partes of my Instructions, as I found fitt & necessary, for his Ma^{ties} & the Countries seruice, in y^e present Juncture of our affairs, soe I cannot beleue you expect the knowledge of all his Ma^{ties} Royall Instructions, for y^e better performing The trust, Charge & powers repofed in me his majesties L^t and Gou^r Generall for the carrying on of his Majesties affaires in this Gouvernement, therefore am y^e more concerned, at your return it seeming to Question the Certainty of my Instruction for y^e reuiseing y^e Lawes, as formerly signified unto you because I haue not in all its expresse words offerred it to you^r view, in w^{ch} shall forme my duty by following the method therein laid down unto me. And as in my former response, soe doe assure you I shall make it my Care that the Lawes be reuised with directions for such obseruations & Considerations as shall be found necessary to be made in y^e body of the Lawes. And soe to bee Reported to y^e next Gen^l Assembly, for their Consideration & Approbation, to y^e Intent they may be accordingly by the Gen^l Assembly humbly p^resented to his Ma^{tie} as the body of the Laws of this Colony, for his approbation, disallowance or Confirmation of the same as in his Gracious will and pleasure he shall find fitt,

Effingham

Vpon his Exl^{cy}'s Message in Answer to the Ad^{resse} of this House concerning the Bill, concerning Escheates &c. now lying with their Hon^{rs} It is Referred to the Com^{tee} of propositions & Grievances to inspect the Bill w^{ch} past y^e house of Burgeses last Assembly Concerning Escheates and to draw another bill for the same & Report it to the House. And the rest of y^e said Message is alsoe Referred to y^e Consideration of the said Committee.

A Bill Intituled *an Act Repealing an Act Concerning the pursuit of Runawaies*. Read the first time.

A Bill Intituled *an Act Repealing the 42^d & 43^d Act of the printed Lawes, & for building prisons in each County, and for Affertaining Rules to each prison* Read the first time.

A Report from the Com^{tee} of propositions and Grievances deliuered into y^e House by the Chaireman upon a Reference of a Report from the Com^{tee} of Claimes Concerning y^e sume of 98000 pounds of tobacco Claymed by M^r secretary *spencer* as the attorney of the Lord Culpeper- Read in the house.

Resolved That the said 98000 pounds of Tobacco pd by M^r Secretary as Attorney of the Lord Culpeper is part of the Quitt rents which were Receued by order of the Lord Culpeper, & being by the Hon^{ble} M^r Secretary paid to y^e soldiers is a Great ease to y^e poore Inhabitants of this Country, And that it was well paid being for the publiq use, and shall be accompted for when his Ma^{ties} pleasure shall be signified concerning the same.

The Com^{tee} of Grievances haueing made dilligent search and Enquiry, and after serious debate and Consideration. haue Reported, That noe good and Rightfull power doth appeare for y^e Receiueing of the Quitt rents by his Lordshipp

Upon

Upon Reading the third time

A Bill Intituled *an Act Repealing the former Act for Cohabitation and directing a way more practicable for y^e purpose & for Building of Townes.*

Itt is put to the Question whether the words *bought and fold* & the words *buy & sell* shall be Continued or obliterated in the Clause Concerning tobacco and Goods & merchandizes to be Exported.

Resolved That the words *bought and fold* and the words *buy & sell* in the said Clause be obliterated, & its accordingly obliterated in the Bill.

The House being deuided Concerning the putting the Question for y^e passing of the said Bill.

It is put to the Question whether the Question shall be now putt for the passing of the Bill or deferred till to morrow morning

Resolved That the Question, whether the said Bill shall pass or be Ejected be now putt. And the Question is accordingly put and it is

Resolved that the Bill be Ejected

And the House adjournes to y^e 3^d drum to morrow

ffriday May the 9th 1684.

THE House mett, and Called ouer

M^{rs} *Macons* petition Read & Referred to the Com^{tee} of Claimes.

A Bill Intituled *an Act Repealing the 42^d and 43^d Act of the printed Lawes and for building prisons in each County & ascertaining Rules to each prison* Read the second time and Ordered to be engroft.

A Bill Intituled *an Act Repealing the Act concerning the pursuite of Runawaies* Read the second time and Ordered to be engroft.

M^r *Chilton* brings a message from his Exl^{ncy} and it is that his Exl^{ncy} Commands the Attendance of y^e House att the Councell Chamber.

And accordingly the House doe attend upon his Exl^{ncy} in the Councell Chamber, and being Returned M^r *Speaker* acquaints the House with the subitance of his Exl^{ncys} speech as followeth—

Gentlemen

I hope it may not be Altogether unneccessary a little to Refresh yo^r memories of his Exl^{ncys} Speech & I Desire you will seriously apply yo^r selues foe to acquit this House that it may not lye under any mistaken Censure.

The purport of what his Exl^{ncy} was pleased to deliuer was, that we haue been here almost a month & there was not foe much don as might haue Reasonably been expected that he knew not well how he should answer it to his Majestie or we to the people y^e sent us, That he hath not Receiued from this house any satisfaction, in what at y^e opening of this Assembly he desired in his Speech, and those Instructions he Receaued from his Ma^{ty} Communicated by him to this House, as that of the twenty ⁷/₈ pole nor the Imposition upon Liquors, which he was pleased to promise should be well husbanded for the use & benefitt of this Country, neither had he reced any thing Concerning the defence of y^e Country from v^e Indians, neither of that foe much desired by his Majestie. The building of Townes, & further put us in mind that he could lett us sitt but few days longer.

Gen^r Although all these things haue been under the Consideration of y^e Com^{tee} Yet its necessary for our Just Vindication that his Exl^{ncy} shall find by yo^r dilligente and prudent dispatch of those affaires w^{ch} I now Recommend to you that we haue not bin Ill husbands of our time.

Coll^o *Ballard*

Cap^t *ffoster*

Cap^t *Custis*

Cap^t *Cary*

Maj: *Allen*

Cap^t *Applewaite*

Are appointed to waite upon his Exl^{ncy}. and to acquaint him in y^e name of this house that they haue Considered his Exl^{ncys} speech this afternoon in the Councell Chamber
and

and that ther's feuerall things Related to in his fpeech, that are now preparing in this houfe & will foon be Ready to be p^rented to his Exln^cy & the Councell, and they like-wife Carry with them a bill p^aft this houfe Intituled *an Act to Repeale the Act Giueing encouragement for the Linnen and woollen manufactory.*

Coll^o Ballard Reports that they haue deliuered y^e Meflage from this houfe, and that his Exln^cy vpon his Information of the progreffe & proceedings of this houfe he was pleafed to exprefle fome fatisfaction, & faid nothing fhould be wanting on his parte as he hoped fhould not be on this houfes to expedit y^e prefent affaires.

M^r William ffithugh haueing fatisfied the houfe of fome extraordinary and Emergent Occafion y^e Requires his prefence att his own houfe, hath obtained leaue from y^e houfe to goe home.

Maj: Arthur Allen

M^r James Minge

M^r Hen: Hartwell

Cap^t ffancis page & Cap^t Washington

Are appointed to waite vpon M^r Auditor Bacon to infpect & Receiue y^e accompt of two fhillings ꝑ hoghead and fort duties, and make Report to this houfe:

A Bill Intituled *an Act for the better fupply of the Country with Armes and amunition.* Read y^e firft time.

A Bill Intituled *an Act for y^e better defence of the Country,* Read the firft time and Comitted.

The houfe adjournes to y^e 3^d drúm to morrow.

Saturday May 10th 1684.

THE Houfe mett and Called ouer.

M^r Speaker Acquaintes y^e houfe that his Exln^cy this day told him y^e hee had omitted (in his laft fpeech to this Houfe) one part of his Mat^{ies} Inft^ructions which was that all fines impofed by vertue of any Law of this Colony fhould be Leuyed & Expref^t in the Acts to be to his Ma^{tie} for y^e publiq^{ue} ufe of the Colony, And that he informed his Lordf^{pps} that in fuch Lawes as now were made it was and would be foe provided According to his Mat^{ies} Inft^ructions. And then his Exln^cy faid y^e it ought to be provided that the penalties in all former Lawes, of this Country fhould be foe expref^t and appropriated by a Law now to be made and provided to that end.

Refolued That as it hath bin now pra^ctized this Seflion: foe his Majefties Inft^ruction Concerning y^e penalties and forfeitures fhall be for the future duely obferued. The peti^con of Cap^t George Brent Commander of the twenty men in *Stafford* being Read in the Houfe for Extraordinary Seruice, And the Report of y^e Com^{tee} of Claimes thereupon, Cap^t Brent is Called into the Houfe Examined & Difmiff.

And forasmuch as it doth Appeare, That y^e faid Cap^t Geo: Brent hath by his prudent Manage & Good Condu^ct, ꝑformed Good feruice for y^e Country not only with his Soldiers in their proper ftation, but Alfoe vpon the Hon^{ble} prefedents Command (when y^e Seneca Indians infested thofe partes) marcht to y^e Affiftance of Cap^t Jones And the Inhabitants of *Rappahannock* of whole feruices this Houfe hath Receaued Good Accompt And to the end that fuch meritt & the labour & trauaile of his foldiers may not be unrewarded, and for y^e encouragm^t of others to be dilligent & vigilent in y^e ꝑformance of their Duty. The Houfe of Burgefles haue *Refolued*, That the fd. Cap^t Brent be paid by the publique the fume of one thoufand pounds of tobacco, as a Gratuety And his Corporall be paid four hundred pounds of tobacco, & to each of his men, Two hundred & fifty pounds of tobacco: As a free and voluntary Beneuolence from this Houfe.

Vpon the Report of the Com^{tee} of Claimes concerning a Claime of Major Robert Beuerly^s for y^e fume of 14000 pounds of tobacco Claimed y^e laft Affembly. & not then, Leuyed. The Houfe being fufficiently fatisfied of the Juftneffe of his Claime.

Refolued y^t y^e fame 14000 pounds of tobacco & Caske, be now Allowed & paid to y^e faid Major Beuerly out of y^e publiq^{ue}

An Adresse to his Ma^{tie} Reported from y^e Com^{tee} of propositions & Grievances—
Read & Ordered to be faire written.

And Alsoe another Ad^{ress} to his Exl^{ncy}, praying him to prefer y^e Adress to his Ma^{tie}

A Bill Intituled *an Act Repealing the Act Concerning y^e pursuite of Runawaies*, Read y^e third time, And past y^e House.

A Bill Intituled *an Act Repealing y^e forty second & forty third Act of y^e printed Lawes, And for Building prisons in each County, & for Ascertainning Rules to each prison* Read the third time & past the House.

A Bill Intituled *an Act for y^e better supply of y^e Country with Armes & Amunition* Read y^e Second time & Ordered to be engroft.

A Bill Intituled *an Act for y^e better defence of the Country* Read y^e second time and Ordered to be engroft.

A Report from y^e Com^{tee} of propositions & Grievances Concerning Armes, Read and Ordered to be Engroft.

Maj: Scarburgh

L^t Coll^o ffarrer

Mr Weekes

M^r Minge

Cap^t Taylor

M^r Perrott

Cap^t Robinson

Are appointed to waite upon his Exl^{ncy} with two Bills the one Intituled *an Act Repealing the 42 & 43 Act of the printed Lawes, & for building of prisons in each County and for Ascertainning Rules for each prison*, The other *an Act Repealing y^e Act Concerning y^e pursuit of Runawaies*, & with y^e following Adresse.

To His Excellency.

The Humble Adresse of the House of Burgeffes, Informs yo^r Exl^{ncy} that there are diuers parcells of Armes Remaining in y^e Hands of y^e Hon^{ble} Coll^o Bacon, Maj: Lawrence smith, M^{rs} Mildred Warner Reli^ct of Coll^o Augustine Warner deceased, And of Coll^o Jⁿ West.

And doe Humbly pray yo^r Exl^{ncy}, That you would be pleased to Com^{mand} them and what may be found in any other hands into his Ma^{ties} stores there to remain for y^e use of y^e Country.

To his Exl^{ncy} Francis Lord Howard Baron of Effingham his Ma^{ties} L^t And Gow^r Gen^l of Virginia.

Att a Generall Assembly Held at James Citty, within his Ma^{ties} dominion of Virg^a the Sixteenth day of Aprill 1684 Ano^q 36^e Caroli 2^{di} Regiser. [Regis]

His Ma^{ties} Loyall faithfull and obedient Subjects the House of Burgeffes of the said Assembly most humbly praies yo^r Exl^{ncy}, on the behalfe of themselues And the rest of y^e Inhabitants of this his Ma^{ties} said Colony and Dominion to prefer to his most sacred Ma^{tie}

The Humble Adresse hereunto annexed.

May 10^e 1684.

To the Kings most Exl^{nt}. Majestie.

Most Gracious & dread Soueraigne

That we yo^r Ma^{ties} Loyall subjects within yo^r dominion of Virg^a (The last submitting to a forced defection from our Loyaltie in y^e late National Distractions, and the first of yo^r Ma^{ties} Subjects within yo^r dominion, That Returned to their Loyaltie euen before yo^r Ma^{ties} happy Restauration) should be foe late in our humble Adresse to yo^r most Exl^{nt} Ma^{tie} since y^e discouery of those many Late Horrid plotts and traiterous Conspiracies ag^t y^e life of yo^r sacred Ma^{tie} his Royall Highnesse yo^r Ma^{ties} Dearest Brother, and the best of Gouvernm^{ts} Established in Church & State, would ouerwhelme Vs with Grief & Astonishment did not y^e Excessiue Contentment we Receiue from the wonderfull Goodnesse of Almighty God, in yo^r Ma^{ties} and Royall Brothers most happy preferuation raise us euen to an extasie of Joy, & Gladnesse And therefore Although our Great distance of place from yo^r Ma^{ties} Royall Court hath Constrained us to be foe late in the presenting

our

our Duty, yet we humbly beseech yo^r Ma^{ties} to belieue, that we are and euer will be Constant and Quick in the exp^{re}ssion thereof, And humbly acknowledge ourselues bound to manifest to yo^r Ma^{ties} and all the world our humble and Gratefull apprehensions of the happineffe we enjoy under yo^r Ma^{ties} most Gracious, and Gentle Gouvern^t and for yo^r care in prouideing us such Just prudent And Hon^{ble} Gou^rs and more Especially yo^r Ma^{ties} late Manifesta^{co}n thereof, in our present prudent Just and noble Gou^r yo^r Ma^{ties} Liu^t and Gouvern^r Gen^l *francis Lord Howard of Effingham* who is pleased to giue us Assurance of his Constant Residence amongst vs. to Compleat the many Blessings and fauours we Receiue from yo^r Most Sacred Ma^{tie} And howsoever some ill men within yo^r *European* dominions to Accomplish their black designs, to subuert the Gouvern^t sliely insinuate to the Credulous people Causeless feares, and false Jealousies of Arbitrary power growing upon vs, Yett are we Soe Sensible of yo^r Sacred Ma^{ties} Constant manifestation of yo^r Great Grace and fauour to us with our Assured hope of the Continuance of our Long Enjoyed Lawes and Vsages, as to Acknowledge our selues secure from the Least apprehension of yo^r Ma^{ties} Altering yo^r Royall inclination towards us by any misrepresentation whatsoever, And that yo^r Ma^{tie} may see that we are not poysoned, or like to be soe by any Seditious, or Giddy headed disturbers, or unruly violaters of yo^r Ma^{ties} peace, we doe unanimously and hartily Assure yo^r Sacred Ma^{tie} That we will defend yo^r Ma^{tie} preferue yo^r Royall person yo^r Heirs and Lawfull Successors, And the Gouvern^t by Law established both in Church and state, with the Last dropp of our Bloods, and utmost of our fortunes, from which Resolutions neither force fraud, feare nor flattery shall euer deterr afright, nor p^{er}suade us. Which our harty sincere Resolutions, wee humbly beseech yo^r Sacred Ma^{tie} Gratiouly to accept, with the humble offers of our daily pray^{rs} to God. That he would happily Continue yo^r Ma^{ties} Long and Glorious Raigne ouer vs.

Yo^r Ma^{ties} most humble, Loyall and obedient Subjects.

The House Adjournes to *Munday* the 3^d Drum.

Munday May the 12^e 1684.

THE House Mett and Called.

A Bill intituled *an Act ascertaining the fees of Escheators, and sherriffs in finding Escheates*. Read the second time and Ordered to be Engroft.

The House adjournes to the afternoon

May the 12^e 1684.

Post Meridiem

THE House mett & Called.

A Bill intituled *an Act for the Better supply of the Country, with Armes and Amunition*. Read the 3^d time and past the house.

A Bill intituled *an Act for the better defence of the Country*. Read the third time and past the house.

The Gen^t Appointed to Receiue y^e Accompt of the two shi^l: p^{er} hhd from M^r Auditor Bacon, giue in their Report p^{er} M^r Hartwell, that they haue been with M^r Auditor Bacon & haue from him Re^{ce}ed a Copie of the Accompte subscribed p^{er} M^r Auditor of the two shillings p^{er} hhd. and port duties. *July* the 19^e Ano 1683. w^{ch} is deliuered into the House and Read.

And upon Consideration thereof, & the Addresse made to his Exln^{cy}, by this house, Concerning the Building the State house, It is Referred to

Coll^o Kendall

Coll. Geo: Mason

Cap^t *fra* Page

M^r Hen: Hartwell

Cap^t Robinson

Major Allen

and M^r Sherwood

To Consider of the Building of the State house, and to make Report to this house, by *wednesday* Morning what y^e Charge thereof may be & what other things may be necessary
for

for the Consideration of this house in order thereunto, and they haue power to treat and Conferr with any workmen, or others Concerning the same, & alsoe to Report to the house what propofalls shall be made by any who may be willing to undertake y^e same.

A Bill, intituled *an Act for Lessening the Levies by poll, and laying an imposition upon Liquors*, deliuered in to the speaker by the Chaireman of the Com^{tes} of propositions and Grievances, Read the first time.

The House adjournes till y^e 3^d drúm to Morrow.

Tuesday May the 13^e 1684.

THE *Act Repealing the Act Concerning the pursuit of Runawaies*. Returned Affented to.

A Bill Intituled *an Act Repealing the 42 & 43 Acts of the printed Lawes and for building of prisons in each County and for ascertaining Rules to each prison* Returned from his Exln^{cy} and Councell with amendments propofed.

To the first amendment of the words *Justices of the peace* in the Room of the word *Courtes* it is Affented to by the house of Burgeses with this Addition (*in their Sessions*)

To the second concerning the bounding — — *the Rules with pales or pallasadoes and to be but 120 feet square.*

The House doe pray it may be left to the discretion of the Justices of the County (as by the Act) prisoners for Debt being to giue security which is esteemed the best pallasado.

To the Last The House assents the words (*for a perpetuall Memoriall*) shall be omitted

The Bill to Repeale the *Act giueing encouragement for y^e Linnen & woollen manufac-ture* being Returned from his Exln^{cy} and Councell with the proposition following (*viz^t*)

May 12th 1684.

By his Excellency and Councell.

Both the Honour & Justice of this Act enjoynes satisfaction to be made to y^e P^{sons} y^t haue Complied in makeing manufactures as by the same is Required, and the faith of the Country being therein giuen, It is fitt and Reasonable that satisfaction be accordingly Ordered and to the intent that noe Claimer may be barred of the Justnesse of his Claimes It is propofed that Claimes for encouragment ariseing from this Act stand Referred to the next Generall Assembly for satisfaction if desired, and that notice be giuen in all Counties. That according to y^e direction of the said Act all Claimes may be Righted and then p^{sent}ed and that from henceforth the Act be Repealed.

In Answer to w^{ch} this House doe Returne.

That it is not inconsistent with Justice to passe this Act as it is for that y^e Claimers themfelues (as it is therein exprest) haue Voluntarily Relinquished their Claimes, And therefore pray the Act may be Affented to by your Exln^{cy} and Councell.

A Bill Intituled *an Act ascertaining the fees of Escheators and sherriffes in finding Escheats* Read y^e 3^d time & past y^e house.

An Answer from his Exln^{cy} to an Adresse of this House Concerning Armes, *viz^t*

By his Excellency

M^r Speaker

I uery well accept of your Adresse of y^e 10th instant concerning Armes which I had sometime before made my care, to be Called in and secured And shall be Lodged in y^e most fitt and agreeable places for his Majesties seruice and the security of the Country.
May 12^e 1684. *Effingham*

A Bill intituled *an Act for Lessening the Levies by the pole, and laying an Imposition upon Liquors* Read y^e second time.

Vpon debate of the imposition upon wine brandy Rum and other Liquors, mentioned in y^e said Bill and the house being diuided Concerning y^e same,

It

It is put to the Question whether the Question shall be put.

whether it shall be 3^d or 4^d th Gallon, or 2^d or 4^d th Gallon.

Resolved that y^e Question shall be putt whether there shall be 2^d th Gallon imposed on the said Liquors imported or 4^d th Gallon,

which being accordingly doe put

It is *Resolved* that the Imposition shall be 2^d th Gallon.

Ordered that the bill be engroft and Read againe to Morrow Morning.

The Bill Concerning prisons and Rules Returned from his Exln^y & Councell is Remitted to them.

The Bill for Repealing the Encouragements Returned from his Excellency and Councell is Remitted to them.

The Bill for the better defence of the Country.

The Bill for y^e better Supply of y^e Country with Armes and Amunition.

The Bills ascertaining fees of Sherriffs and Escheat^{rs} all which are transmitted to his Exln^y and Councell for their Assent by

Major Allen

Cap^t Matthewes

Cap^t Cary

Coll^o Lemth Mason

Mr Abrey

Cap^t ffox

Mr Brassear

&

Cap^t Applewaite

They Report they haue deliuered the bills to his Excellency.

The House Adjournes to y^e afternoon

Tuesday May the 13th 1684.

Post Meridiem

THE House mett and Called.

Mr *Speaker* acquaintes the House he hath Receaued a proclamation from his Excellency takeing off the prohibition of the Exportation of wheat & the Meale thereof which his Exln^y desired might be publisht in y^e house that foe it might be made known in y^e feuerall Counties in the Country.

And it is accordingly Read in the House.

A Bill Intituled *an Act appointing portes for preuenting of frauds and better secureing his Ma^{ties} Customes*, Read in the House the first time.

The Committee appointed to Consider of the Rebuilding the State house, Giue in their Report which is Read in the House.

Vpon the debate of the matter about the Rebuilding the state house

Resolved That it be put to the Question

Whether the state house at *James Citty*. shall be forthwith Rebuilt or whether the Rebuilding thereof shall be Referred to y^e Considera^on of the next Asssembly.

Resolved that the Rebuilding of the state house at *James Citty* be Referred To the Consideration of the next Asssembly.

The Committee of Claimes Giue in their Report which the House proceeds to Read.

The House Adjournes to y^e 3^d drum to Morrow.

Wednesday May the 14th 1684.

THE House mett and Called

Seuerall Bills Returned from his Exelⁿy & Councell viz^t

The Bill to Repeale the *Act for encouragements* not assented to, but wth this note

May 13th 1684.

By his Exln^y & Councell.

An Act prepared Repealing the *Act for encouragments &c.* without mention of any Claimes which haue accrued thereby will be assented to.

E. Chilton C^t G. A.

An

An Act for the better supply of the Country with Armes & amunition, Assented to with the Addition of a Clause for euery Respective Company & troops Exerciseing once in three months and euery Regiment yearly on the first thursday in October.

An Act Repealing the 42^d, and 43^d Act of the printed Lawes & for building prisons in each County and for ascertaining Rules to each prison the words not exceeding 80 poles square being added in the Clause for the Laying out the Rules which being Read 3 times is assented.

A bill Intituled *an act for the better defence of the Country* (with notes objections and alterations to be made therein) as followeth

By his Excellency & Councell.

Mr Speaker

In the act for y^e better defence of y^e Country, it is propofed y^t in y^e eleuenth line y^e word *compleate*, be omitted, becaufe thirty horfe is Rather a small party then a Compleat troop.

and whereas in the 16 line it is said, *in Case y^e full number of thirty men compleatly Mounted, armed and provided as aforefaid cannot be raifed by fuch as fhall uoluntarily offer them felues, for that feruice, that then it fhall and may be lawfull to and for y^e Chief officers of the Militia of the upper partes of each riuer, & they are hereby impowred and authorized upon application to them or any three or fower of them made by the Cap^t or Chief commander to imprefs &c* w^{ch} application ought to be made to y^e Gou^r or in his abfence to y^e Comander in Chiefe to Ifsue forth his warrants for y^e raifeing foe many men as fhall be wanting to compleat the number of thirty men appointed by this act, in cafe foe many fhall not voluntarily offer themfelues, & not to y^e Chiefe officers of the Millitia it being derogatory to his Majefties authority & not to be permitted or allowed.

Whereas this Act appoints a Corporall to be the next imediate officer to y^e Cap^t in whole abfence he is to comānd in w^{ch} comand that he may carry the better weight. It is propofed, y^t inftead of a Corporall a lieutenant be appointed, & that his pay be aduanced to fix thoufand pounds of tobacco and Caske

Whereas in this Act the word *publiq* is frequently made ufe of, it is thought fitt that it be omitted, and y^e word *Country* inferted, it being more agreeable to fubjects that liue under a Monarch.

Whereas in y^e fixth line of the fecond fheet this act direct^s, that euery Soldier neglecting his duty fhall be liable to fuch fines and forfeitures, as therein menconed befides The paines and forfeitures which by martiall law may be inflicted, the inflicting of martiall law is upon Crimes of a great nature & is in the power of y^e Gou^r to direct Comiffions, for the fame, therefore its propofed this Clause be omitted.

It is propofed, for y^e better encouragem^{ts} of Soldiers in this feruice prouifion be made for thofe difabled or maimed, y^e former to haue an annuell penfion for his maintenance from the Country, the latter to haue his Cafe effected at y^e fame Charge.

Twelue hundred pounds of tobacco is adjudged too small a rate to purchafe a boat fit for the feruice intended by this act, a greater allowance is therefore thought fitt y^t it may be feruiceable in carrying fix, eight or more horfes ouer at a time.

Whereas by this act it is directed, that fuch and foe many of y^e twenty troopers now in feruice, as fhall be willing to be lifted in thefe new troopes fhall be preferred before any others. it is fit they be foe admitted, prouided y^e Commander has no Juft exception againft them.

Vpon aduice or difcouery of the enemies approach or incurfion, the Cap^t or Liut ought forthwith to giue intelligence to the Gou^r and in his abfence to the Command^r in cheife, that his Commands be forthwith fignified, untill w^{ch} time y^e Cap^t is only to act the defenfue part, unlefs the enemie Committs acts of hoftility viz^t either in burning houfes, or killing or maiming any of the inhabitants.

It

It is propofed that there be a Claufe in this A^ct to provide for the fafety of y^e South fide of *James Riuer*, in cafe of any Attacke as there is for *Accomack & Northampton Counties*.

Thefe amendments made this a^ct is affented to.

May 13 1684.

E. Chilton C^l Gen^l Affembly.

In the propofall y^e the word *Compleat*, it is agreed & y^e word *Compleat* is omitted.

To the fecond concerning the Millitia officers of the Counties power it is Affented to and that the words fhall bee.

That then his Exlncy the Gou^r and in his abfence the Commander in Chiefe for the time being is defired (upon application to him made by the Cap^t or Chiefe Comander of fuch troop) to Iffue forth his warrant for y^e raifeing fo many men armed and appointed as a forefaid as fhall be wanting to Compleat the number of thirty men by this a^ct appointed.

To the third, that y^e word *Corporall* fhall be made *Lieutenant* and that his pay fhall be five thoufand pounds of tobacco p^{a} annum.

To the fourth aGreed the word *Country* fhall be vfed in the fted of publiq.

To the fifth the Claufe fhall be Omitted.

To the fixth a Claufe fhall be prepared and added to that purpofe.

To the feuenth Its Conceiued 1200 is Sufficient.

To the eight It fhall be inferted (*and againft whom there is no Juft excep^on.*)

To the ninth the words, *to fome one or more of the Neareft Chiefe officers of the Millitia* are intended only for the more fure and expedetious Intelligence to the Gou^r or Comander in Chief, And as to the A^cts of hoftility This Houfe defires they may be thus explained, either in burning or forcible entring into our houfes or by killing maiming or carrying away of the Inhabitants or killing or Destroying or Carrying away their Stocks or Goods.

To the Laft it is affented to be Generall.

Major *Scarburgh*

Major *Allen*

and

Cap^t *Randolph*

Appointed to Confider of the Return made by his Exlncy and the Councell vpon the bill for Repealing the encouragem^{ts} and to Report to the Houfe further Reafons for the reinforceing the houfes Request for the Affent of his Exlncy and the Councell to that Bill.

The petition of M^r *Richard Littlepage* Recommended By his Exlncy and the Councell Read and Referred to the afternoon.

The Houfe proceeds to y^e Reading the Report of the Co^mittee of Claimes.

And whereas it appeares that in the yeare 1680, M^{rs} *Ann Morris* of *Henrico County* had due to her the fome of one thoufand pounds of tobacco and Caske from the Country for a horfe Bridle and Saddle loft which being then allowed her by y^e Affembly was by miftake in the proportioning the Leuy made payable to *Maurice Boucher* of *Charles Citty County* and there Leuyed, It is therefore Ordered that Maj: *John Stith* then fherriff of *Charles Citty County* doe pay the faid 1000 pounds of tobacco and Caske to the faid M^{rs} *Ann Morris* to whom the fame doth of Right belong and her Receipt to be his fufficient difcharge.

The Houfe Adjournes to y^e afternoon.

May the 14th 1684.

Post Meridiem,

THE Houfe mett and Called

The Gentlemen appointed to Confider of further Reafons for paffing the bill for Repealing the A^ct for encouragements Report.

That they find the encouragements therefore due already fatisfied to the Contentment of the Claimers who haue defired their Reprehenfatiues in the Repeale thereof to fignifie y^e fame as a Ground of y^e Repeale, and the p^{r} sons who obtained
Certificates

Certificates Refused to fend them to the entent their Consent might more effectually appear, for y^e Act in Justice & honor being fully Complied with it would be thought Injurious to inforce a Credit^r to accept a debt who doth voluntarily and fully acquitt the same, which is approoved by the house.

The House againe Resumes the debate of M^r *Littlepages* petition.

M^r *Littlepage* and his Councell admitted into the House, being heard.

The Bill intituled *an Act Enabling Richard Littlepage sen^r to sell lands for payment of the debts of Samuell Oustin dec'd* Read the second time.

It is put to the Question whether the bill shall be againe Read.

Resolved the Bill be againe Read.

The Bill intituled *an Act for the Lessening of the Leuy by pole and Laying an Imposition on Liquors.* Read the third time.

It is put to the Question whether the imposition shall stand as now it is wth two pence $\frac{2}{3}$ Gallon upon y^e liquors, or whether the imposition shall be aduanced to a Greater some.

Resolved that the imposition be two pence $\frac{2}{3}$ Gallon.

It is put to the Question whether the bill shall pass.

Resolved that the Bill passe and be p^resented to the Gou^r & Councell for their Assent.

A Bill intituled *an Act appointing portes for preuenting frauds and better securing his Ma^{ties} Customes* Read y^e second time & Ordered to be engroft.

The House Goes on in the Report of y^e Committee of Claimes.

Vpon Reading y^e petition of M^r W^m *Sherwood* for possession of his House, which hath been made use of for a Magazeen at *middle plantation*,

Reported from y^e Com^{tee} of Claimes it is the opinion of this House that M^r W^m *Sherwood* haue possession of his said house, deliuered him the 24th day of *June* next.

In the *New Kent* Claimes Coll^o *West*s Claime for 1080 pounds of tobacco by him paid for 6 Barrells of Indian Corne. deliuered the *Chicomania* Indians by order of the late president, who engaged that the said Coll^o *West* should be paid for the same, The House therefore is now Contented that the same shall be allowed Coll^o *West*, but doe Resolue that there shall be noe more Claimes of that nature allowed for the future nor this be brought or aledged for a president,

M^r W^m *Sherwood*

M^r *Hen: Hartwell*

Cap^t *Custis*

M^r *Presly*

Cap^t *Robinson*

M^r *Wilson*

Major *Kearnie*

M^r *Allomby*

are appointed to waite Vpon his Excellency and Councell with the Bills now Ready.

The House Adjournes to y^e 3^d drum to morrow.

Thursday May 15th 1684.

THE House Mett & called ouer,

fforasmuch as a Bill intituled *an Act for Lessening the Leuies by y^e pole and laying an imposition unpon liquors*, past this house yesterday, and forasmuch at it is exprest in that bill y^e y^e said Imposition is for the Raifeing of money for building a Court house and place of Judicature for y^e setting of the Generall Courte and Meeting of the Gen^l Affsembly, &c. The House haueing thereupon Resumed the Debate about Rebuilding the Court house at *James Citty* out of that money.

Resolved that the same debate shall be againe Resumed when y^e bill shall bee past or assented to by his Excellency & Councell.

M^r *William Sherwood* and the Rest of the Gentlemen named last night goe out with the 4 bills amended, to present them to his Exln^cy viz^t those fower bills by his Exln^cy yesterday Remitted to this house and alsoe one other bill which past the House yesterday, Intituled *an act for Lessening Leuies by the pole and Laying an Imposition unpon Liquors.*

The

The Report of the Com^{tee} appointed yesterday to Consider of further Reafons to be prefented to his Exln^{cy} for paffing y^e bill for Repealing y^e Encouragm^{ts} is alfoe fent with this Addition.

The Houfe of Burgeffes approoue of this Report and defire it may be p^refented (with the bills &c) to his Exln^{cy} & Councell and doe earneftly pray their Affent.

M^r Sherwood and the Reft Report that they haue deliuered the feuerall bills to his Exln^{cy}.

Vpon Debate of Coll *Kendalls* Claime for 30^l *fte^r* by him paid by Order of S^r *William Berkely* to the fouldiers at *Accomack*.

Refolued that the faid Coll *Kendall* fhall be paid the faid foine of thirty pounds *fterling* out of y^e firft money fhall be in ftock out of the Reuenue of two Shillings ^{per} hogshead and port duties.

Vpon Report of the Com^{tee} of Claimes, upon the Claime of Cap^t *W^m Soane*. for extraordinary feruice.

Refolued that Cap^t *Soane* hath don no more then his duty and therefore ought to be Contented with his pay by A^{ct} of Affembly allowed him.

Vpon Report of the Committee of Claimes upon the Claime of Cap^t *W^m Armiger* the Houfe doe Confirme the Report.

Vpon the pet^{con} of *Dauid Wicklife* interpreter to the *Nanfiticoa* Indians for an Augmentation of his Sallery, The Queftion is put whether *Dauid Wicklife* fhall haue any Reward for Extraordinary feruice Reported by feuerall of the members of this Houfe or his Ordinary Sallery onely.

Refolued he fhall haue as a Reward of his Extraordinary feruice of which the houfe is informed one thoufand pounds of Tobacco.

Vpon debate of M^r *Chiltons* Claime for tranfcribing into New bookes about 3000 old pattents upon w^{ch} the Com^{tee} haue Reported 200000 pounds of tobacco and Caske as his Reward.

The Queftion is put whether 5000. pounds of tobacco more fhall be added to M^r *Chiltons* Reward or not.

Refolued the Report of the Com^{tee} fhall ftand at 20000 pounds of tobacco & Caske.

And that M^r *Chilton* doe p^rfect Examine and attelt y^e fame according to the Report of the Committee.

The Houfe doe approoue of y^e Com^{tees} Report Concerning M^r *Chiltons* Claimes.

The Houfe Adjournes to the afternoon.

Post Meridiem

THE Houfe Mett and Called.

Vpon debate of the Allowance to be made to M^{rs} *Ann Macon* for the Affembly Room the 2 Chambers ouer head for the Clerkes office and the Com^{tee} Chambers and the Councell Chamber for two Generall Courtes.

It is put to the Queftion

Whether there fhall be allowed for y^e faid Houfe & Chambers 12000 pounds of tobacco includeing the 1400. Reported by y^e Com^{tee} or 10000 in all.

Refolued there be Allowed 12000 pounds of tobacco the faid 1400 therein included.

The Accompt of *Edward Mallen* for his Charge in *James Citty*, when Employed as Gunner upon his Exln^{cies} Reception at *James Citty* and alfoe a Reward for his feruice there being Considered by the Houfe.

They are of opinion he ought to be paid out of the port duties five pounds. *fte^r*.

The petition of M^r *John Clayton* Clerke for Allowance for his Attendance at *James Citty* this Affembly by his Excellencies fpeciall Order.

The Houfe of Burgeffes are of opinion he merritts five pounds *fte^r*. to be paid out of the Reuenue of two fhillings ^{per} hogfhead, according to A^{ct} of Affembly.

Its

Its put to the question whether Mr *Blayton* Clerk of the Com^{tee} of Grievances shall haue any Additionall Allowance more then Reported from y^e Com^{tee}

Resolved that Mr *Blayton* shall haue a 1000 pounds of tobacco added to his former Allowance for this Assembly.

The House haueing under their Consideration the Claime of *John Cole* of *Accomack* Reported from the Com^{tee} of Claimes,

Resolue the Report of the Com^{tee} upon y^e Claime of y^e sd *Cole* be approoued.

The Bill Intituled *an Act appointing portes for preuenting fraudes and better secureing his Ma^{ties} Customes*, Read the third time.

It is put the Question whether the bill shall pass yea or no.

Resolved in the Affirmatiue.

It is *Ordered* to be presented to his Exln^{cy} and Councell for their Assent by

Coll *Tho: Ballard*

Col *Jfa Allerton*

Maj: *Cha: Scarburgh*

M^r *W^m Sherwood*

Cap^t *Miles Cary*

Maj: *Hen: Whiteing*

M^r *W^m Wilfon*

&

M^r *Hen: Hartwell*

They Return & Report *¶* Coll^o *Ballard* they haue presented y^e bill to his Exln^{cy}

A Bill Intituled *an Act enabling Richard Littlepage sen^r to sell lands for payment of y^e debts of Samuell Oustin deceased*, Read the third time.

And it is put to the Question whether this bill shall pass yea or no.

Resolved in the Affirmatiue

M^r *Chilton* brings into y^e House seuerall bills from his Exln^{cy} & Councell as followeth viz^t

A Bill ascertaining fees for sherriffs and Escheat^{rs} in finding Escheats with this Endorsements *Viz^t*

May 15th 1684.

By his Excellency.

As to this Act in Gen^l I thought I had Giuen you satisfaction when I gaue you an Assurance such Measures should be taken in y^e Grant of Escheates, as his Ma^{ties} Royall Charter in its literall partes directs from which duely Considered Resolution I cannot Receed.

An Escheator is his Ma^{ties} officer of Great trust, And one thousand pounds of tobacco and Caske, or five pounds *ster.* is but a Moderate Allowance for such seruices, and three hundred and fifty pounds of tobacco & Caske to y^e sherriffe for his Care paines and trouble in Impannelling and attending Juries we are willing therefore that an Act be past to that Intent,

The places for finding offices of Escheates ought to be according to direction of his Ma^{ties} writt,

Effingham.

And it is Referred to Coll^o *Ballard* Major *Allen* and M^r *Sherwood* to Consider of Reasons to be sent to his Exln^{cy} and Councell for their passing the said bill, and Report them to the House tomorrow Morning.

An Act for y^e better supply of y^e Country wth Armes & Amunition assented to.

An Act Repealing y^e 42^d & 43^d Acts of the printed Lawes and for building prisons in each county, and for ascertaining Rules for each prison assented.

An Act to Repeale y^e Act giueing encouragement for linnen & woollen manufecture assented.

The Bill intituled *an Act for y^e defence of the Country* with proposition for amendments which is alsoe Comitted to Coll^o *Ballard* Maj *Allen* & M^r *Sherwood*.

Coll^o *Kendall* Cap^t *Washington* and Coll^o *West*, Appointed to waite upon his Exln^{cy} and Councell with y^e Reportes of y^e Com^{tee} of Claimes & Allowances of this house and Report of y^e Com^{tee} of Certificates for Runawaies.

A proposition from his Excellency Concerning by Lawes as followeth

By

By his Excellency

M^r Speaker

finding y^e amongst the bills you haue presented me with you haue not taken any notice of his majesties Instruction directing a new Law to be passed in y^e Gen^l Assembly empowering Countiees or Parishes to make by Lawes provided the by Lawes soe to be made be not in force nor take Effect without y^e approbation of the Gou^r and Councell, I haue thought fitt to Remind you of y^e same and do expect you will forthwith apply yo^r selues to y^e frameing of such an one

May 15th 1684.

Effingham.

The Consideration thereof is Comitted to Coll^o Ballard Major Allen, & M^r Sherwood.
The House Adjournes to y^e 3^d drum to Morrow.

Fryday May 16th 1684.

THE House Mett and Called

An Addresse Reported from the Com^{tee} of propositions and Grievances from y^e House of Burgeesses to his sacred Ma^{tie} Read (as followeth) and it is approved and Ordered to be faire written

To The Kings Most Excellent Majestie The Humble Address and supplication of yo^r Ma^{ties} humble & Loyall subjects the Burgeesses of your Majesties Generall Assembly in your Majesties dominion of Virginia.

Whereas in full Conformity to yo^r Ma^{ties} Commands in that behalfe some of the Inhabitants of this Country haue of Late been bound ouer to Answer the determination of yo^r Ma^{tie} in Councill for Matters of *meum & tuum* arising here, Wee humbly beseech yo^r Sacred Ma^{tie} to take into yo^r Royall Consideracon, How Grievous & Ruinous it will be to yo^r Subjects here, ffor It seems Almost Impossible how fundry matters of fact arising here can there be tried being exceeding difficult for a Case of Intricacy to be soe stated and the proofes soe sufficiently Certified, but that other Matter may necessarily fall within y^e plea and soe other fact arise to be Cleared up for want whereof the Cause is lost the parties delayed and with expences Ruined, And it hath not till now been preferentiall since y^e first settling this Colony as wee can find that any such Causes haue been hence remooued. The Courte through this Long series of time hath been by appeales from County Courts to Generall Courtes and thence (if cause were) to y^e Gen^l Assembly which Consisted (as now it doth) of yo^r Ma^{ties} Gou^r Councell & Burgeesses the highest Court in this Colony as hath been obserued by y^e Gou^r & Councell in their Order made in the Case of M^{rs} Bland. and where Causes haue been soe heard & Determined there hath been Alwaies obserued a Generall Satisfaction & Acequiescence of all persons how Querilous soeuer in such determinations, Yet if it shall seem Good to yo^r sacred Ma^{ties} Wisedom for Appeales neuertheless to lye open for *England* wee then with the like humillity pray that the same may not be for matters under the Reall Ualue of three hundred pounds *sterling*, And that sufficient sureties be giuen before yo^r Ma^{ties} Gou^r & Councell here to pay all Cofts and damages in Case the Judgement be affirmed there, By yo^r Ma^{tie} in Councell.

And that yo^r Ma^{tie} would further be pleased to take into yo^r Royall Consideration, That we yo^r Loyall Subjects, out of whose Labours & Industry in the Manufactory of our staple Commoditie tobacco accrues to yo^r Ma^{ties} Reuenue more then twice soe much as we our selues haue for such our Labour, we and whose Ancestors for an honest Liuelihood, the enlargement of yo^r Ma^{ties} Dominions & aduancement of your Reuenue haue left our Natiue Soyle, Aduentured and still doe Aduenture our Liues, fortunes and all that are deare to us, The Inhabiting a Barbarous and Malancholy part of the world, Debared of yo^r Ma^{ties} presence and most of those other Comforts our Natiue soyle affords, And Continually subject to the Incurfions Inroads, Rapines, Cruell Murthers, and depredations, of a skulking, Cruell, inhumane Barbarous Enemie, all w^{ch} we undergoe, with

Loyall

Loyall and obedient hearts, And that all this Notwithstanding (which we know cannot but affect you^r Ma^{ties} Royall heart towards us) doe not (as we conceiue) at this day participate soe much of your Royall Grace, and bounty, as your Ma^{tie} is Gratioufly pleased to extend to most of the Lesser, and most inconsiderable Corporations within yo^r Ma^{ties} Kingdom of *England*—for that euen such Corporations, by your Ma^{ties} said Grace & fauour haue power & Authority to make & Enact Lawes, Ordinances & Statutes, for the Welfare, Aduantage and Good Gouvern^t of their Corporation (soe they be not Contrary to the Lawes of *England*) which Lawes and Ordinances yo^r Ma^{tie} hath not been pleased to take power to yo^r selfe to Recall and make void, And w^{ch} Grace hath by fundry Comissions, Letters and Instructions of yo^r Ma^{tie} and yo^r Royall progenitors been indulged to us till of late some Acts and Statutes by yo^r Ma^{ties} Gou^r Councell and Burgessees in Gen^l Assemblies made haue been Repealed, and declared voyd by proclamation, yo^r Ma^{ties} said Gen^l Assembly not Consulted Contrary to the Eighty eight Act of our Lawes printed by Allowance in *England*, in the thirteenth yeare, of yo^r Ma^{ties} Raigne, and Contrary to the Antient vsage in that Behalfe, And that yo^r Most sacred Most sacred Ma^{tie} for the Comfort of us you^r Loyall Subjects and our posterity, And further Assurance of yo^r Grace & fauour towards us will Gratioufly please to Continue the aforesaid Antient vsage and to grant that such Lawes Statutes, and Ordinances, as by the Authority of yo^r Ma^{ties} Gou^r Councell and Burgessees of yo^r Gen^l Assembly of *Virga* shall be ordained for the welfare Aduantage, and Good Gouvern^t of this yo^r dominion, as neer as may be agreeable to yo^r Ma^{ties} Lawes of yo^r Realm of *England*, May haue the force of Lawes until they shall be declared voyd, and Repealed by the same Authority of yo^r Ma^{ties} Said Gen^l Assembly or at least untill yo^r Most sacred Ma^{tie} doe receiue the Grounds & Reasons, for makeing those Lawes, from yo^r Ma^{ties} Gou^r Councell and Burgessees, of yo^r Gen^l Assembly here.

And further we do humbly present to yo^r Ma^{ties} Royall Consideration, That the Great, if not the only maintainance we haue is by our Comodity Tobacco, the Lowness of the price whereof as for many years past soe still renders vs Generally unable to maintain our selues and families, but in a mean and indigent Condition and how unable we are to support, and beare the many Great Charges payments and expences that are and will be Necessary for defence against the Rapines. Roberies, spoiles, and affronts dayly Comited, and Giuen by yo^r Ma^{ties} and our Barbarous heathen Enemie, all w^{ch} we are forced dishonourably to suffer, at their hands, to the Reproach of the *English* name, to their Great Encouragement, to the Ruine of many of vs yo^r Ma^{ties} Subjects in our stocks of Cattell, horses, hoggs, and other Estate which frequently they Kill, and destroy not only to satisfie hunger, or for their sustenance, but as we haue Just Cause to belieue out of Contempt disdain & of designe to prouoke and affront us, and that from the same inability, indigency and pouerty of vs yo^r Ma^{ties} poore Subjects, we haue been Constrained dishonourably to suffer our Neighbour frindly Tributary Indians, who were Generally supposed to be our out guards, and sure Intelligencers of the Approaches of forraigne Indian Enemies to be Cutt off, we not till of late intermedling though obliged by Articles to protect them from such forreiners, The terror whereof hath forced those few remaineing of the neighbour Indians to draw inwards soe that few (if any) of these are to be found at the head, or to the west of the Great Riuers, on our frontiers to giue us warning of the Approaches aforesd.

And Although we are well Assured and Must beare Testimony of the Great Care, and vigilence of our Late Gouvernors, and the Hon^{ble} the Councell, in their proceedings, in a matter of this difficulty as haueing a thorough, and near prospect into the nature of the Enemy, and our Great incapacity, and unfittnesse to Carry on such a War, as would be effectual, And haue since our present Gou^r the Lord *Howards* happy Arriueall, the like Good prooffe, and full Assurance, that his Exln^cy will giue Aduantage to all the possible Meanes, he shall finde needful to be put in Execution, for the protection defence and safeguard of this yo^r Ma^{ties} Country, and of us yo^r Ma^{ties} Subjects therein, yet neuerthelesse we doe beseech yo^r Ma^{tie} further to take into yo^r Royall Consideration,

That

That the present settlement of but thirty horsemen, at the heads of each of the fower Great Riwers which (at Best) can serue for little other then Scouts and to Range for discovery of the Enemy, and of no sufficiency to engage any Considerable body of them, should they make warr upon vs. (as it may be suspected) will alone arise to aboue five hundred thousand pounds of Tobacco Annually, which yet is the least of seuerall other necessary disbursements and payments Assessed for Publique Countie and parish Charges, which being all amassed together, It will be altogether Impossible for us to beare the Charge of a Warr, unless yo^r Ma^{tie} out of yo^r abundant Goodnesse would Gratioufly be pleased in some Measure to Contribute to the Charge thereof.

And as we ought not presume to Anticipate yo^r Ma^{ties} Royall Bounty or direct your Measures herein, soe we humbly pray yo^r Ma^{tie} to belieue y^e wth thankfull hearts we acknowledge yo^r Royall fauour to us in Remitting y^e paym^t of the Quitt rents which for seuerall yeares were not taken, and which as we were assured (by those Hon^{ble} Comm^{rs} sent by yo^r Ma^{tie} into this Country Ano 1676-7) yo^r Ma^{tie} had Remitted for y^e space of 21 yeares the better to enable us, to Contribute towards y^e defence and other publiq Charges of this yo^r Ma^{ties} Country.

Yet neuertheless for these three yeares now last past the said Quitt rents without any apparent Authority from yo^r Ma^{tie} haue been taken & Conuerted to other vses.

And we doe humbly supplicate yo^r Ma^{tie} y^t you will be pleased to signifie yo^r Royall Pleasure that y^e said Branch of yo^r Reuenue arising from y^e Quitt rents may not be so diuerted in time to come, but solely appropriated & applied to y^e defence and other publiq uses of this yo^r Ma^{ties} Dominion.

And we Yeild to yo^r most sacred Ma^{tie} our most humble thanks in behalfe of our selues and the whole Country, as for all other yo^r Royall Bounties & fauo^{rs} soe more especially for those Church Bibles and other Bookes lately brought in by his Exln^{cy} the Lord Howard, for y^e vse of y^e seueral P^{ar}ishes, w^{ch} not fully answering yo^r Ma^{ties} Royall designment (the parrishes here being Numerous) we further humbly supplicate yo^r Ma^{tie} will Gratioufly be pleased to enlarge yo^r Royall Bounty for supply of the wanting P^{ar}ishes.

These our most humble petitions and supplications encouraged by y^e experience we haue of yo^r Ma^{ties} most princely Royall and Gracious Inclination to fauour your poor & Loyall subjects, (prostrate at yo^r Ma^{ties} Royall feet) wee Humbly p^{re}sent. Beseeching Almighty God of his Infinite Goodnesse, to Vouchsafe yo^r Ma^{tie} along happy and Glorious Raigne ouer Vs.

Mr *Speaker* Acquaints the House with a Message he hath Re^{ce}ed from his Exln^{cy} which is Read as followeth

By his Exln^{cy}.

Mr *Speaker*

The last night I Re^{ce}ed a Resolue of yo^r house. upon a Report of y^e Com^{tees} of propositions grounded upon a Report of a Refference of the Com^{tees} of Claimes, in a Claime made by Mr Secretary *Spencer*, as Attorney of y^e R^t Hon^{ble} *Thomas Lord Culpeper*, for ninety eight thousand pounds of tobacco with Caske, paid by y^e Dire^{ctions} of the R^t Hon^{ble} the Lord *Culpeper* to y^e soldiers, y^e standing Guards at y^e heads of y^e Riwers, w^{ch} tobacco, as y^e Lord *Culpeper* Aduanced it, out of tobacco properly his own Right: and that for present six months pay to y^e soldiers, then in y^e Countries seruice, who had declin^d their seruice and left y^e Country unguarded, (noe fund being prouided for them) if he out of his Great Care for y^e safety of y^e Country, had not made that disbursement, soe I must tell you, I cannot but be Concerned, to find you make an hesitation, in Reimbursing that tobacco, which was aduanced for yo^r preferuation & seruice, and that out of the undoubted right of y^e Lord *Culpeper*, By the Grace and fauour of his Ma^{tie} to him w^{ch} as I ought not, soe shall not presume, to beleue otherwise, then my Lord *Culpepers* right, haueing his Ma^{ties} Grant for it, untill his Ma^{tie} shall otherwise signifie his pleasure to me therein, I doe therefore expect, you doe y^e Lord *Culpeper* the like Right and Justice, in appointing y^e paym^t of his Claime, as to others Concerned

in

in Claimes, by yo^r house allowed, and that he Receives his Just proportion in each County, where it was disbursed as by Receipts may be made Appear.

May 15^e 1684.

Essingham.

Vpon the Reading of y^e Last Message from his Exln^cy It is Referred to

Major Allen

M^r Minge

Maj: Scarburgh

Maj: Swan

and M^r Sherwood

to draw up an Answer to the Message and forthwith Report y^e same.

The bill for Ascertainning the fees of Escheat^r and Sherriffs in finding escheats Returned from y^e Com^{tee} together with Reasons for y^e passing of y^e bill by his Exln^cys Their Hon^{rs} Read & ordered to be againe sent to his Excellency with y^e said Bill.

May y^e 16. 1684.

May itt please yo^r Exln^cy,

In answer to yo^r Exln^cys and the Councells proposition of the 13th instant for omitt-
ing y^e last sentence in y^e bill for the better defence of the Country *Viz'* killing or destroy-
ing or carrying away our stocks and Goods, the Burgeesses doe humbly Conceiue, that as
the violent and forceable entring on or into our houses, killing or destroying of our Cattell,
horses, hoggs or other part of our stocks, Captiuating or Carrying away our p^{er}sons, or
any of our seru^{ts} or families, Robbing or spoyling us of our goods, by force, are all, or
any of them acts of felony in a Subject and by our Law may be resisted to y^e death, of
a subject going about or attempting such Act, soe are they acts of hostility in an enemy
and ought in an hostill manner to be Resisted euen to the killing or destroying of such
enemy, or other florrain power, for naturally euery one may vindicate his own Right,
And this is the Law of Nations, & frequent practice, for if a ship of warr or any other
ship belonging to y^e subjects of an other prince or state, (though in league or amity with
his Ma^{ties}) shall Assault any ship or vessell, belonging to his Ma^{ties} Subjects, with intent
only to robb them. (but more especially if they doe rob or forcibly enter into them) it
is Lawfull for his Ma^{ties} Subjects to defend themselues euen by killing or destroying such
as shall Goe about to rob them, and soe in y^e Case of any other theeues or robbers, that
shall attempt to breake into our houses, it is lawfull to resist them and kill them in defence
of our persons houses & Goods besides, this was y^e frequent and antient practice in our
natie Country ag^t pirates *Scots* & northern borderers, to this may be added y^e tame
and patient suffering, the many Robberies murthers, and spoyles. Comitted by y^e Indians
on our fellow subjects, Kinsmen and neighbours (in w^{ch} euery indiuiduall p^{er}son is wronged
and all lye under y^e indignities and publique damage of this Country) and we may say
if itt were but only y^e affronts put on vs to victuall and waite on them, in a seruile
manner euen with hats of doth uery much debate the honour, and Reputation of our
english nation and incourage y^e Indians in their insolencies for w^{ch} reasons (with many
more too long to trouble yo^r Exln^cy with) we conceiue it absolutely Necessary and doe
pray y^e y^e Last Clause of our humble Adrefs to yo^r Exln^cy yesterday Contained in these
words (*either in burning or forcibling entring into our houses, or by killing, maiming, or
Carrying away any of the Inhabitants, (or killing or destroying our stocks, or Goods)*)
may Continue & be added to y^e said bill for defence of y^e Country, only with this Addition
if they be taken in y^e fact. And to the end our neighbouring & frindly indians may be the
better known, we humbly pray yo^r Exln^cy to Command, that Notice be giuen to all &
euery our neighbouring Indian nations, & tributaries, that they. doe not for the future
paint or disguise themselues, & that if they Come into or about our Plantations painted and
disguised, they will be accounted enemies & this is agreeable to the Lawes of *England*
about *Aegyptians* disguiseing themselues w^{ch} is felony by the Statute 1. & 2. *phillip &
Mary.* Cap: 4. & the 5 *Eliz:* Ca 20th; And in humble reply to yo^r Exln^cyes & Councells
answer to the bill Entituled *an Act ascertainning the fees of Escheat^r and Sherrifs finding
Escheates.* That we rest satisfied with his Ma^{ties} Grace and Bounty in his Charter in y^e
said Bill menconed but haueing found that Contrary to the intent of his Ma^{ties} said Grant
diuers

diuers persons by indirect furrptitious meanes Already haue and here after may obtaine patters & Grants of lands Escheatable, who were not in possession nor Could pretend to any fauour or Grace by y^e said Charter, and thereby debarred such Persons to whom by his Ma^{ties} said Charter y^e same ought to haue been Granted, The intent and meaning of the said Bill is only to deter other Persons who are not in possession, or within the extent of his Ma^{ties} Grace in y^e said Charter held forth from anticipateing or preuenting those other for whom y^e said Grace is Really intended.

And as to escheat^{re} and Sheriffs fees we humbly offer that by y^e statute of the 23^d of Hen: 6 Cap: 17. noe Escheator shall take aboue forty shillings for the execution of one writt in one County and that only when his labour, and Cost require it, otherwise he ought to take lesse on paym^t of forty pounds and by the Statute of y^e 33 of Hen: 8: Cap: 22. the Escheat^r shall forfeite five pounds if he take for y^e finding an office of land, not exceeding five pounds *per annum*. aboue 15 shi^{ll} Viz^t for his own fee 6^s 8^d for writeing y^e office 3^s: 4^d for the Juries Charges 3^s and for y^e officers aboue, that are to receiue y^e Office 2 shillings, soe y^t we Conceiue we haue in the Bill much exceeded y^e Allowances giuen by those statutes, and as to y^e place for finding offices we Conceiue it ought to be at y^e Court house, in Court time, for by diuers Statutes it is expressely required to be publique, In some Good town, the Sheriffs will be Eased in summoning Jurors, and there will Alsoe be the Tales in Cases of Challenge, Wherefore be [we] beseech yo^r Exln^cy that the bill as it is may passe.

The House Adjourned to y^e Afternoone

Post Meridiem

THE House met & Called.

The Propofall rec^d from his Exc^{ll^y} last night Concern By Lawes being then Referred to Coll Ballard, Maj^r Allen & M^r Sherrard

They now giue in their Report (*Viz^t*)

His Exln^cys other Mess^ge of y^e 15th Instant Concerning the Repealing or Altering of y^e Lawes. Inabling Counties and Parishes to make By Lawes being Considered of It is y^e Opinion of this Com^{tee} y^t it is too late at this time to enter upon y^e debate thereof, and y^t it be Referred to y^e Consideration of the next Affembly. This Report is approoued by y^e house

Resolved y^t it be signified to his Exln^cy.

May y^e 16^e 1684.

May it please yo^r Exln^cy

The House of Burgeses haueing duely Considered of yo^r Exln^cys Mess^ge last night Rec^d Concerning the By Lawes doe pray yo^r Exln^cy y^t it may be Referred to y^e next Affembly, forasmuch as its Conceiued by this house, y^t it may be now too late to enter upon y^e debate thereof.

Which is sent to his Exln^cy by Major Whiteing, Cap^t Washington and M^r presly. Together with y^e bill Concerning the Escheat.

The Bill for Defence of the Country

The Adresse about y^e same.

And the Bill enabling M^r Littlepage to sell lands to pay M^r Oustins Debt.

M^r Speaker Acquaintes y^e house he hath Rec^d from his Exln^cy y^t Bill for y^e imposition upon Liquor sent from this house, with some notes thereupon which are Read as followeth.

By his Exln^cy & Councill

M^r Speaker

Yo^r well designed bill for easeing the taxes and leuies *per* poll by laying a duety upon those Liquors in this bill expresseed has been Considered, and, as it is Intended, for the Good uses and benefitt of the Gouernment, and laid upon a Commodity not absolutely necessary for y^e well being and support of the Inhabitants, It is therefore propofed, that

three

three pence $\frac{3}{4}$ Gallon be raised vpon all liquors, as by this bill exprest, w^{ch} sume may aduance a proportionable fund, for y^e Good vses it is Intended for, as y^e p^{re}sent building the state house pursuant to his Ma^{ties} Instruction, and this is offered unto you that we may be y^e better enabled to Carry on those Good and necessary workes intended for y^e use & honor of y^e Gouvern^{mt} & the ease of the Inhabitants and doe Conceiue this imposition cannot Answer the ends intended, unless aduanced to three pence $\frac{3}{4}$ Gallon, because y^e prouision made for encouragem^t of *Virginia* Owners, w^{ch} if passed, as in the bill exprest, exempted all liquors imported in such Vessels to be free of the duty imposed by this bill, w^{ch} will not neer answer y^e ends you did intend it for, for it will be a meanes for all traders into this Colony to Croud all liquors here imported into those vessells, and may open a way for Great & unauoidable frauds, it is therefore proposed, y^t y^e exemption of the duty by this bill Imposed be only to y^e liquors of the Inhabitants, who import their own liquors in their own ships, being *Virginia* built.

The last prouiso in this Act directing y^t all monies ariseing from this Act shall be accompted for to y^e Gou^r Councell & Burgeesses of the Gen^l Assembly and bee Conuerted to y^e vses by them directed, seemes to imply y^t those money's cannot be employed, but at y^e time of y^e Assembly, w^{ch} may much take of from y^e present necessary uses y^e monies thereby Raised may be employed for, It is therefore proposed, y^t dureing y^e Interualls of the Sessions of Assemblies, y^e Gou^r & Councell by the act may be impowered to employ y^e moneys, y^t shall be raised by this Act. to y^e Vses, as by y^e act exprest, & to noe other vses whatsoever, & to be paid by the feuerall Collectors to y^e Auditor, & by him to be accounted for from time to time to y^e succeeding Assembly.

It is proposed, y^t y^e forfeitures mentioned in this Act be as in forfeitures of y^e like nature, one third to y^e King, one third to the Gou^r & one third to y^e informer or seizer.

May 15. 1684.

E. Chilton C^l. Gen^l Aff^{br}

May it please yo^r Exlncy & Hon^{rs}

To the first of y^e proposition for Raifeing y^e imposition to 3^d $\frac{3}{4}$ Gallon

Resolved y^t it be Raised according to his Exlncys proposition.

To the second Concerning y^e priuiledge of the Inhabitants of *Virg^a* a Clause shall be Added in these words

And for y^e preuention of ffrauds y^t may be Vsed in Colouring & Concealing of Rum Brandy Wine and other liquors in this Act mentioned Imported in Vessells belonging to Virginia upon pretence y^t y^e same doth belong to the Inhabitants of this Country, Be it enacted by y^e Authority aforesd. That all Masters. of shippes or vessells belonging to Virginia shall upon entry of their Shipp or Vessells with y^e Collector make true entry of vpon Oth not only of y^e quantity of Rum Brandy Wine, and other Liquors herein before mentioned Imported in their Shippes or Vessells but alsoe by whom the same were loaden to whom Assigned and to whom to y^e best of their Knowledge, y^e same doe belong or appertaine.

To the 3^d it shall be y^t y^e Money Raised or to be Raised by Virtue of y^e Imposition aforesaid shall be Constantly paid and accounted for by y^e Collectors thereof to y^e Auditor for the time being and by him to the Gou^r Councell and Burgeesses of the Gen^l Assembly. And Conuerted by them to the Vses directed accordingly to the true Intent and Meaning of this Act and to and for noe other use intent or purpose Whatsoever.

To the Last It shall be accordingly don.

A Message from his Exlncy for a Conferance about the Indian Affaire viz^t

By his Exlncy

M^r Speaker

The debate of the Indian Affaire being of the Greatest moment to the security of the Country seeing you Rest not well satisfied with my last well grounded Resolution, I desire a Conference may be forthwith held about y^e same with such of the Councell as I shall appoint and that you'l speedily nominate some members of yo^r house to manage y^e Conferance that there be no further delay and y^t you Returne me their names.

May 16 1684.

Effingham

In

In Compliance to yo^r Exlnēys desire

Coll *Iaac Allerton*

Maj: *Cha: Scarburgh*

Cap^t *W^m Randolph*

Coll *Will: Kendall*

M^r *James Minge*

Coll *Geo: Mason*

and *Major Swan*

Are appointed for the Conference with such of the Hon^{ble} Councill as yo^r Exlnēy shall appoint in the Indian Affaire.

This is sent by Major *Whiteing* and Coll *Jenifer*.

And the Bill for y^e Imposition upon Liquor with y^e Answer to his Exlnēys propositions thereupon is Carried back by Cap^t *Page* & M^r *Wilson*.

By his Exlncy.

I doe hereby appoint M^r Secretary *Spencer*, Coll. *Joseph Bridger*, Coll^o *W^m Cole* and Coll^o *Jⁿ Page*, fower of his Ma^{ties} Councill of State to Manage y^e Conferrance with such members as are appointed by the House of Burgeffes, in y^e p^rsent debate of y^e Indian Affaires and that this Conferrance be held in the old Councill Chamber and when y^e Councill are Ready I will signifie the fame to you:

May 16 1684.

Effingham

The Report of the Com^{tee} of propositions & Grievances Read.

Vpon Reading a Report of the Com^{tee} of propositions & Grievances vpon a Question upon Proposition Concerning Voters att y^e Ellec^on of Burgeffes

Resolved That it is the undoubted Right of euery Person who holds Lands tenements or hereditaments for his own life, for y^e life of his wife, or for y^e life of any other Person or Persons to vote in Elec^on of Burgeffes for y^t County where such Lands or tenements doe lye.

The House Adjournes to y^e 3^d drum to Morrow

Saturday May 17^e 1684.

THE House Met & Called.

The Petition of Cap^t *John Custis* a Burgeffe for *Northampton* County for Remission of a fine of two thousand pounds of tobacco for an undue Return of a writt being Read.

And the House haueing well weighed his Reafons and Allegations, and finding that the fame was Rather an error of Judgement then of will, and the said Cap^t *John Custis* being after vnanimously Elected and Duely Returned a Burgeffe for y^e said County, the House doe therefore Remitt the said fine of 2000 pounds of tobacco.

The Gentlemen Appointed for the Conferrance are Desired to Acquaint the Hon^{ble} Gentlemen of y^e Councill, Appointed by his Exlnēy that they are Ready to waite upon them in Order to the Conferrance.

The House Adjournes to ten a Clock a *Munday* Morning y^e 3^d beat of drum.

Munday May 19th 1684

THE House Mett and Called.

The Gentlemen Appointed for y^e Conference, Giue in their Report by Coll^o *Allerton*.

And thereupon these words *viz' either in burning or forcible entring into our houses or by killing maiming or Carrying away any of y^e Inhabitants* are inferted between y^e 14th and 15th lines of y^e bill for y^e defence of the Country, w^{ch} being 3 times Read are Affented, and the bill is sent up to his Exlnēy and Councill by Coll^o *Codd* and Cap^t *Randolph*.

Vpon

Vpon a Report of y^e Com^{tee} of Grievances, upon a Grievance from *Lyn hauen* in y^e County of *Lower Norfolke*, Coll *Lemth Mafon* and Cap^t *W^m Robinson* doe waite upon his Exln^{cy} with y^e following Adrefse—

To his Excellency.

May it please yo^r Exln^{cy},

It hath bin Represented as a Grievance from y^e Inhabitants of *Lower Norfolke* in y^e yeare 1680 y^t they were disturbed in the peaceable poffeffion of their Lands w^{ch} they held under that Gouvern^t by y^e Gouverment of *Carolina* vpon which it pleased y^e Right Hon^{ble} the Lord *Culpeper* then Gou^r at y^e Instance of y^t Affembly to make an order & empower the Sherriffe of *Lower Norfolke*, to demand and Receiue of all y^e Inhabitants of *black water* and *Corotuck*, y^t held Lands by pattent from this Colony, Quitt Rents and Leuies and if y^e Gou^r of *Carolina* fhould disturb them for payment of fuch dues then y^e Sherriff was impowered to defend [defend] them in y^e paym^t thereof

Notwithstanding w^{ch} y^e bounds between y^e faid Gouvern^t and this is not yet eftablifhed and afcertained whereby many inconueniencies doe daily happen to fuch of y^e Inhabitants as doe Confine thereon.

for Remedy whereof the Burgeffes of this Affembly doe humbly pray yo^r Exln^{cy} that you will be pleased y^t y^e faid Bounds may be Afcertained, or that you will please y^e fume [fame] may be Represented to his Moft Sacred Ma^{tie} to the end y^t y^e Inhabitants there y^t doe belong to this Gouvern^t may accordingly yeild their obedience there unto.

A Report of an Adrefse to his Exln^{cy} in Anfwer to a Meflage from him Concerning y^e fome of 98000 pounds of tobacco, Claimed by M^r Secretary *Spencer* as Attorney of y^e R^t Hon^{ble} the Lord *Culpeper*, Read.

and upon Debate thereof.

It is put to y^e Queftion whether y^e faid Adrefse fhall be prefented to his Exln^{cy} or not.

Resolved That it be p^refented to his Exln^{cy}.

M^r *Chilton* brings from his Exln^{cy} and Councell

The A^t for y^e better defence of y^e Country, affented to.

The Bill enabling *Richard Littlepage* fenior to fell lands for y^e paym^t of y^e debts of *Samuell Oufstin* de^ded affented to.

M^r *Chilton* likewise informes M^r *Speaker* y^t his Exln^{cy} Requires y^e fight of y^e Claimes of y^e feuerall Counties.

In Anfwer to w^{ch} Meflage

Coll^o *Kendall*

Major *Swan*

Cap^t *Applewaite*

Cap^t *Randolph*

M^r *Hartwell*

Are appointed to waite upon his Exln^{cy} and Councell with y^e Claimes and the Clerke of y^e Com^{tee} of Claimes is to attend upon them.

A Bill Intituled *an A^t for Leffening y^e Lieues by y^e poll and laying an impofition on Liquors*. Returned from his Exln^{cy} & Councill with the Indorfement thereon which is Read as followeth

May the 19th 1684.

By his Exln^{cy} & Councell

It is propofed y^t in this bill the Exemption of y^e duty by this bill impofed be only to y^e Liquors of y^e Inhabitants who import their own Liquors in their own fhips being *Virginia* Built, for if it fhould be otherwife granted the fame would not be worthy of y^e name of an Impofition of a duty Raifed for his Ma^{ties} and Countries feruice,— And for preuention of fraud its likewise propofed y^t euery p^rfon to whom any of y^e aforefaid liquors fhall be Configned fhall upon their Oths declare y^e quantity foe imported that *Bona fida* properly & foly belong to them.

And to y^e Intent y^t his Ma^{ties} Inftuctions be effectually put in execution in building y^e principle Seat of Judicature at *James Citty* it is propofed That you forthwith agree, with

with such *Persons* or *Persons* as will undertake y^e same, for payment thereof to be made out of such monies as shall be Raised by this Bill and y^e y^e same be agreed for this p^rsent Gen^l Assembly.

E. Chilton C^l Gen^l Assembly.

Coll^o Ballard

Coll Kendall

and Major *Kearne*

Are desired to waite upon his Exln^cy with the Reafons y^t were sent y^e 16^e Instant from this house for passing y^e bill Concerning *Escheat^{rs}* and Sherriffs fees, in finding *Escheates* now found on y^e table supposed left by M^r *Chilton* amongst other papers, deliuered to M^r *Speaker*, but the Bill not Returned.

They are in y^e name of y^e House of Burgeffes to pray his Exln^cy y^t the bill may be Returned, and to Acquaint him that then this House will proceed upon the bill for y^e imposition Reced now from their Honnou^{rs} with their Indorsement.

Coll Ballard Reports they haue waited upon his Exln^cy and that he was pleased to say y^e said paper came in by Mistake and y^t y^e bill shall be forthwith amended and sent to this House.

Vpon the propositions from his Exln^cy and Councell upon the bill for the imposition upon Liquors.

To that, That the exemption of y^t duty be only to y^e Inhabitants who import their own liquors in this[their] own shippes being *Virginia* built,—We pray it may be extended to such who import their own liquors in their own Vessells, Really & *bona fida* belonging to *Virginia* because The time of y^e Continuance of this Law will not permitt y^e Inhabitants to build any Vessells whereby to Reap any benefitt, by this exemption to encourage them to build

To that for y^e preuention of fraud, the Burgeffes doe Assent y^t it shall be enacted y^t euery perfon to whom any of y^e Liquors in y^e bill men^coned shall be Configned, shall upon his Oth declare, if Required y^e Quantity imported that doth *bona fida* properly and solely belong to him.

To the proposition Concerning Re Building y^e state house at *James Citty*.

Resolved that upon y^e passing of y^e said Bill for y^e imposition upon Liquors this house will proceed accordingly to agree with such *Person* or *Persons* as shall be willing to undertake y^e Building, to be paid out of the said imposition, who shall be Agreed with, if possible before the Rifeing of this Assembly.

M^r *Chilton* brings in y^e bill Concerning the *Escheates* together with a Message as followeth,

By His Excellency.

M^r *Speaker*

To you^r Bill prepared for *Escheates* my selfe & the Councell by a former Answer Returned you Assured you all partes thereof were duely Considered, and as to what you there insist as to Compositions It was positiuely Affirmed unto you, y^e fauour of his Ma^{ties} Grant of two pounds of tobacco *per* Acre shall be strictly obserued by all Concerned therein, and as to y^e *Escheat^{rs}*, and Sherriffs fees. they are Set at as moderate Rates as *Persons* serueing in those stations would possibly be thought to be Rewarded with, therefore I expect you will not further insist on this.

Effingham

May 19th 1684.

The House Adjournes to y^e 3^d drum to Morrow.

Tuesday May 20^e 1684.

THE House mett & Called.

Coll^o Lemth Mason and M^r *Weekes* Are Added to those members who are to attend upon his excellency.

And they Carry up the Claimes & alsoe y^e Answer of y^e house, to the last Message, from his Excellency concerning the 98000 pounds of tobacco, Claimed by M^r *Secretary*.

They

They Alsoe Carry up y^e Humble Adrefs Reported y^e 16^e Instant to his Ma^{tie} and Alsoe a short Adresse to his Exln^cy praying him to $\overline{\text{p}}$ fer the same to his Majestie.

Coll^o *Kendall* and those Gen^t Return and Report they haue deliuered to his Exln^cy the Adresse, to himselfe that to his Ma^{tie} the Answer to his Exln^cys Message and the Claimes.

To His Exln^cy Francis Lord Howard Baron of Effingham his Ma^{ties} Li^t and Gow^r Gen^l of Virginia.

Wee his Ma^{ties} Humble and Loyall Subjects, the Burgeffes of y^e Gen^l Assembly humbly pray yo^r Exln^cy to prefer to his Most sacred Ma^{tie} this our humble supplication hereunto annexed,

To his Excellency

The Humble Reply of the House of Burgeffes of y^e Gen^l Assembly to his Exln^cys message of y^e 15^e Instant to this House.

That had not this House had many Reasons to doubt of y^e Rt Hon^{ble} y^e Lord *Culpeper* title to y^e quitt rents but alsoe diuers assurances y^t y^e said Lord, had no Right or title thereunto they had not at first made y^e demur to the Allowance of the 98000 pounds of tobacco & Caske Claimed by M^r Secretary *Spencer* for his Lordships use as they did, but when we had Considered of that Claime & upon our best inquiries finding no prooffe y^t his Lordship y^e Lord *Culpeper* had any Title to y^e Quitt Rents out of w^{ch} y^e Said 98000 pounds of tobacco & Caske was paid, we did Conceiue and still doe y^t we Could not Answer it to y^e Country by whom we are intrusted to raise such a sume on them for y^e paym^t of y^e supposed debt, and yet leaue y^e Country undischarged of y^e first payment thereof, for if the Quitt rents be not due to y^e Lord *Culpeper* (as we haue Great Cause to believe) then is y^e payment thereof by us to his Lordship made in our own wrong, and soe are we still Liable to y^e payment thereof when his Ma^{ties} or yo^r Exln^cy shall be please to Require it, Now it may please yo^r Exln^cy to be informed True it is y^t in the year 1673, there was endeau^rs sett on foot by y^e R^t Hon^{ble} *Henry Earle of Arlington*, and y^e sd *Thomas Lord Culpeper* for obtaining a Lease or demise from his Ma^{tie} of y^e whole Colony of *Virginia* (excepting the *Northern Neck*) and that their Lordships had proceeded soe far therein y^t such a lease or demise came from his Ma^{tie} to y^e signet office, where it being taken notice of by y^e Hon^{ble} Major Gen^l *Smith* our then Agent in *England* aduertisement & a Coppy thereof was by him sent to our then Gow^r S^t W^m *Berkeley* who imediatly Called an Assembly to whom he was pleased to Communicate y^e aduise his honour had, and alsoe to fauour them wth a $\overline{\text{p}}$ ufall of the said Coppy, w^{ch} being debated in y^e Assembly, and found y^t y^e same was derogatory and in prejudice of many Royall Concessions and Grants from time to time made by his Ma^{tie} and his Royall Progenitors in fauour to his Colony, by imposing new Rents and seruices, Altering y^e forme of other tenures, Compelling us to Re-surueys and new pattents imposing fines and Compositions on Surplufage lands at their will and pleasure by nominateing of Sheriffs Elcheators, Suruey^{rs} and other officers and in effect diuesting y^e Gouvern^t of those Just powers, and Authorities by w^{ch} this Colony had hitherto been kept in peace & tranquility and all mens Rights and properties duely Administred and preferued unto them & other y^e euill Consequences thereof to this Country, well weighed produced y^e Act of Gen^l Assembly made by Prorogation y^e 21^e day of *September* 1674. Intituled *An Act for an Adresse and supplication to be made to y^e Kings most excellent Ma^{ties} for y^e staying or Countermanding of the said lease or demise*, And for y^e better enabling y^e Agents for this Country to prosecute such our supplication a uery heauy tax, of 120 pounds of tobacco $\overline{\text{p}}$ poll was by that Act imposed and Leuyed on y^e Country (as by y^e said Act to w^{ch} we humbly Refer yo^r Exln^cy doth & may appear) w^{ch} Great & burthenous Leuie, was one, if not y^e main Cause of those populer heats y^t gaue fomentation to y^t Horrid Rebellion w^{ch} afterwards ensued, but before his Ma^{ties} pleasure could be known here, y^t Horrid Rebellion (w^{ch} with shame we desire may not be remembered) burst forth, but howeuer his Ma^{tie} out of y^e Abundance of his Royall mercy and bounty was most Gratioufly pleased (w^{ch} we Remember with Admira^con and all humble and hearty Gratitude) in y^e hight of our Malignancy not
only

only to fend vs his Royall Gen^l pardon, But alsoe his Royall Charter, dated at *Westminster* y^e tenth day of *October* 1676 wherein he was Gratioufly pleased to declare and Grant That his Ma^{ties} subjects from time to time inhabiting *Virginia*, shall haue their Immediate dependance upon y^e Crown of *England* under y^e Rule and Gouvern^t of such Gou^r and Gou^{rs} as his Ma^{tie} his heirs and suceff^{rs} should appoint, and of, & upon noe other Person or Persons whatsoever, w^{ch} other Gracious Grants and Concessions, as by y^e said Charter under his Ma^{ties} Great seale of *England* (Remaining of Record amongst y^e Records. of y^e secretaries office. Reference being thereunto had) doth & may at large Appeare and to this we may add, That y^e Hon^{ble} *Herbert Jeffries* Esq^r S^r *John Berry* and *Francis Morison* Esq^r his Ma^{ties} Com^{rs} did Assure in his Ma^{ties} name, y^t [his] Ma^{tie} had Granted the Quitt rents for one and twenty yeares, to and for the vse of this his Ma^{ties} Country, and y^t y^e R^t Hon^{ble} *Henry Earle* of *Arlington* did most Nobly (in Councell his Ma^{tie} being present) surrender and acquitt his pretentions to y^e said demise, & did at y^e same time declare, That he did make y^t surrender more freely and willingly then euer he Reced it, for w^{ch} y^e Assembly sent their Letter of thanks to y^e said Earle. (as by y^e Journall of y^e Assembly held at *Green spring* Año 1676, doth and may Appear) Now, may it please yo^r Exln^{cy} these things being premised, Pardon vs we humbly beseech yo^r Exln^{cy}, if we still belieue that his Lordship y^e R^t Hon^{ble} the Lord *Culpeper*, hath not any Right or title to y^e Quitt rents by him Claimed and w^{ch} yo^r Exln^{cy}, seemes to belieue to be his Due, for,

1^{ly} first if he had had any such Lease or demise Legally Granted, how came it to passe that he neuer produced such Grant all this while to be made publiq, and timely Recorded amongst our Records as it ought to haue been) being about eleuen yeares since, for we know his Lordship is too frugall a husband to forego such a Reuenue had it been his undoubted Right, as is Alledged,

2^{ly} If his Ma^{tie} had y^e 25. yeare of his Raigne granted y^e Quittrents Escheates, Sherriffs, office Refurueys and upon surplus lands Compositions at pleasure &c. to his Lordship As is pretended his Ma^{tie} three years after would neuer haue Granted y^e same things to us, his Ma^{ties} Subjects here, as by y^e said Recited Charter doth and may appeare he hath done.

3^{ly} If his Ma^{tie} had Granted to y^e said *Thomas* Lord *Culpeper* all y^e Lands in *Virga* w^{ch} in [wthin] the boundsof y^e said demise or Lease, and all such lands as shall Escheat, together with y^e feuerall offices of Escheat^{rs} sherriffs, survey^{rs} &c, as is pretended. how came it to passe his Lordship waued his own title and pretentions thereunto, and soe farr owned his Ma^{ties} Right as Contrary to y^e said demise to Grant all y^e said Lands and offices as his Ma^{ties} Gou^r And for his Ma^{ties} vse referuing y^e Rent to his Ma^{tie} as hath euer heretofore been Accustomed, and as if no such lease or demise were made, or as if he y^e sd Lord *Culpeper* had no title thereunto.

4^{ly} Wee are Credibly informed That y^e said Lease or demise neuer past under y^e Great seale as by Law it ought nor any further then y^e signett office. (if it did pass there, of w^{ch} there is yet noe prooffe) but was there on our humble supplication stopt, and noe further proceedings made thereon.

5^{ly} As it is a uery strong presumption y^t noe such lease or demise was euer legally past, since it could neuer be may [made?] appear, soe can't we but be strangely surprized when of late, and ten years after its date we finde an escrole or written paper (pretended to be a Coppy of y^e said demise without any warrant or Authority, or any manner of prooffe either by produceing y^e said lease or demise under any of his Ma^{ties} seales (as indeed it ought to be) or soe much as any manner of prooffe of its being a true Coppy thereof, or of y^e Inrollm^t thereof, vnduely entred amongst y^e Records of y^e secretaries office, w^{ch} strange and unpresidentiall Act alone (had we no other reason) would be sufficient to excuse vs from Conceding to y^e Lord *Culpeper*^s title to the Quitrents.

6^{ly} If y^e said lease or demise had past y^e Signett or priuy seale, nay if it had past y^e Great seale, (which we haue Good Cause to belieue it did not) Yet forasmuch as such matter neuer appeared nor being published or made known to vs, nor at any time Legally entred

entred upon or Amongst any of our Records as all such matters haue been accustomed (and as we Conceiue ought to be) nor there Yet being any manner of prooffe y^e such lease or demise was euer Granted, We most humbly beseech yo^r Exln^cy, to be informed That we cannot answer it to our Counties for whom we serue, willingly to pay ou^r Rent (due to his Ma^{tie}) or Attorn tennants for our Lands to any other P^{er}son whatsoeuer saue to his Ma^{tie}, Especially since his Ma^{tie} by his before Recyted Charter hath Granted, that we shall be his tenants only, and shall hold our Lands of him his heirs and success^{rs} & of none other P^{er}son whatsoeuer.

from all w^{ch} premisses with most humble submission to yo^r Exln^cy we Cannot but Conclude y^e without breach of the trust Reposed in vs. as aforesaid we may not Concede that y^e said Lord *Culpeper* hath any Right or title to The aforesaid 98000 pounds of tobacco & Caske, or any other part of y^e Quittrents aforesaid, or to y^e paym^t of y^e said some to y^e Hon^{ble} M^r *secretary* for his vse, but on y^e Contrary say y^e his Lordship the Lord *Culpeper* hath wrongfully taken and demanded y^e same, howeuer yo^r Exln^cy hath bin informed of y^e matter.

To w^{ch} we may add That if as y^e Assembly aforesaid in *Ano* 1674. Considering the euill Consequences had reason Although, at soe Great a Charge, & burthen to y^e people as 120 pounds of tobacco P^{er} poll to oppose y^e said demise as by that Act may Appear, soe haue we still y^e same, and diuers other Reasons with all our humble endeu^{rs} still to oppose the same.

1st *First* for that since the date of the said pretended demise we haue taken all our Grants from his Ma^{ties} Gou^r not doubting of his Ma^{ties} title and Authority, And not from y^e said demisees or Lessees, and should the said demise proue valid all such Grants would be voyd.

2nd That should y^e said demise be Good, we should be lyable to pay all y^e Arrears, of Quittrents, and it may be in Money, w^{ch} now being soe much in Arrear, most people not being able to pay y^e same would forfeit their lands to their utter ruine.

3rd That should we pay our Quitt Rents to the Lord *Culpeper* as he Claimes on the said demise, it would in Law amount to an attornm^t to his Lordshipp. and a dizezin to y^e King's Ma^{tie} which may likewise be a forfeiture of our Estates.

4th That y^e termes and Condiçons y^e Lord *Culpeper* by y^e said demise hath power to hold us unto. (and w^{ch} we haue little hopes will in the least be Remitted, or mitigated should we Come under the same) are soe uery Grievous and intollerably burthenfome, we should neuer be able to bear them.

For all w^{ch} Reasons we the Burgeßes of the Gen^l Assembly, as well for ourselues as all his Ma^{ties} Subjects of *Virginia*, doe most humbly pray yo^r Exln^cy not to expect from vs y^e said 98000 pounds of tobacco and Caske. Claimed by y^e Lord *Culpeper*, as aforesaid, Protesting neuertheless that we are and Allwaies shall be Ready & willing to pay y^e same as is most due, to his Ma^{tie} or his Gou^r when y^e same is for his Ma^{ties} vse demanded of vs.

Vpon debate of y^e Message from his Exln^cy, Rece'ued with y^e bill about Escheates, Returned from his Exln^cy.

Resolved that y^e bill Intituled *an Act ascertaining y^e fees of Escheat^r and sherriffs in finding Escheates*, be againe faire written and P^{re}sented to his Exln^cy & Councell, without omitting any part of y^e bill as now it is, and y^e Reasons be drawn up for y^e Reinforceing y^e Request of y^es House for y^e Assent of his Exln^cy and Councell to y^e said Bill.

Resolved that the following Reasons may be P^{re}sented to his Exln^cy & Councell wth y^e bill.

May it please yo^r Exln^cy

The bill Concerning Escheates and w^{ch} yo^r Exln^cy hath Returned with a Message to this House yesterday did pass this House upon uery mature and deliberate consideration, as haueing been in debate the last Assembly, And Referred by the Right Hon^{ble} the Liu^t Gou^r and Councell to the Ariuall of y^e R^t Hon^{ble} the Lord *Culpeper*, and the
next

next Affembly when they were pleased to say they should haue unerring Grounds from whence to draw Conclusions, and upon this and y^e many Greiuances Complaintes y^e haue Come to this Affembly from diuers Counties of many & Greuious Exaccons upon y^e Inhabitants.

The House did pass and present y^e Bill to yo^r Exln^cy hoping as they still doe y^e by yo^r Exln^cys and y^e Councells assent thereunto. The Inhabitants might be for y^e time to come secured against unreasonable Compositions, & Exacting officers, some instances whereof are hereafter men^coned.

In *Surry* County the Case of *Rob^t Key* who was forced to pay fifty or sixty bushells of wheat for Composition for one Acre of land,

In *Nanfimond* County in y^e Case of *Israell Shepherd* a Tennant in possession upon a P^lcell of land Escheated, for want of heires of one *Akerland* and one *Spring* brother of y^e halfe blood of y^e said *Akerland*, who both sueing for y^e Grant of y^e escheat of y^e said land being about 4 or 5 hundred Acres, It was Giuen to M^r *Roger Jones* of whom y^e said *Shepherd* purchased the Grant and was forced to pay at least 60. pounds *sterling*.

In *James Citty* County one *John Dorman* who was told y^e land he liued on escheated for want of 3 witneses to a will, and y^e Jury finding specially y^e two witneses was Alwaies in *Virginia* accounted Good, yett he was Constrained to pay three pounds free to y^e Escheat^r and three hundred and fifty pounds of tobacco to y^e Sherriffe, Although y^e Land did not Escheat, with many other of this nature from most of the Counties, too long to enumerate.

To y^e Escheat^rs and sherriffs fees this House doe humbly Conceiue y^e sume of five hundred pounds of Tobacco, to be Altogether sufficient, if y^e Escheat^r were Resideing in y^e County, as by y^e law of *England* he ought to Doe.

Vpon these Considerations, we humbly pray you^r Exln^cy and the Councell that the said Bill may haue yo^r Assent that soe we may proceed to y^e other matters now in hand remaining, And Come when it shall please yo^r Exln^cy to a happy Conclusion of this Session.

Coll^o *Lemuell Mason*

M^r *Peter Knight*

M^r *Thomas Allomby*

Cap^t *John Custis*

Appointed to present y^e aboue Reasons, with y^e bill to his Exln^cy & Councell which they Report they haue deliuered

And the House Adjournes to y^e afternoon

May 20^t 1684. Post Meridiem

THE House mett and Called.

M^r *Speaker* Informes y^e House he hath Re^ced from his Exln^cy the Bill for Portes sent to his Exln^cy, and Councell on *Thursday* last and with it y^e following Message, And a part of y^e Instru^ction from his Ma^{tie} Concerning the Act of Cohabitation.

By his Excellency and Councell.

M^r *Speaker*

Your Bill prepared for y^e Cohabitation differs uery little from y^e Act made in 1680, except it be in y^e title and number of places appointed for Cohabita^con this Going under y^e denomination of portes and y^e under y^e denomination of townes, This Appointing two in a County, in some places three and y^e only one in a County, w^{ch} att one and y^e same time to raise Twenty Townes out of Noe Towne did seem Impracticable, w^{ch} together with Injoyning goods, there to be brought before stores were provided for y^e security of them was a Materiall matter for w^{ch} his Ma^{tie} thought fitt to suspend y^e execution of y^e former Act & for y^e same Reason y^e like may be expected upon this if it were passed into An Act, And to y^e end yo^r House may be better satisfied for what Reason his Ma^{tie} thought fitt to suspend y^e execution of y^e former Act, you will herewith Receiue
his

his Mat^{ies} Order for y^e same, as Also y^e report of the Com^{rs} of y^e Custome house thereupon, as likewise his Mat^{ies} Instruc^{on} beareing date y^e 3^d day of *december* 1683. The former Act is not Repealed but only suspended, therefore Cannot proceed to y^e passing of any new Act in this Nature untill haue Represented unto his Mat^{ies} our present Condition. That noe Stores are as yet prouided at those places by that Act Appointed nor Conueniencies for landing of Goods which when prouided as by that Act Appointed we may expect to Receiue his Mat^{ies} Commands for masters to Ride with their ships load & unload their Goods at those places, and the other part of this Act to be Φ formed
 May 19^e 1684. *E Chilton C^l Gen^l Assembly*

And our will and pleasure is that such part of y^e act of Cohabita^{on} as Concerns the landing of Goods and shipping off tobacco, Continue suspended untill our further direction be known therein pursuant to our Order in Councell dated the 21^e of *december* 1681. according to w^{ch} you are to Gouvern y^r selfe.

a Copie Effingham

M^r Chilton Brings into y^e Houfe y^e bill Concerning Escheat^{rs} and sherriffs fees in finding Escheates, with a Message in writing as followeth—

By his Excellency

M^r Speaker

As to yo^r Return to my Answer upon y^e bill of Escheates, you say you had maturely and deliberately Considered y^e same, w^{ch} my selfe & y^e Councell had fully don on all partes thereof, and did not doubt but y^t you would haue rest satisfied with y^e Assurances therein Giuen you, y^t all Compositions *de futuro*, should be directly according to y^e Grant & fauour exprest, in his Mat^{ies} Gracious Charter w^{ch} wth Reiterated Repetitions of Assurances you doe here receiue, and as to y^e fees to y^e officers both to y^e Escheator and Sherriffe they were as moderately sett as in those stations can be expected in w^{ch} finding yo^r positiueneffe I haue Caused y^e Clerke to transcribe a Clause in my pattent from his Mat^{ies} (w^{ch} you will herewith receiue) Giueing & Granting unto me not only power to Commiffionate and appoint all Judiciall officers, but likewise to ascertain their fees. by uertue of which power I shall appoint Escheat^{rs} their fees, in finding y^e offices as likewise y^e Sherriffs for doing their partes.

And as to y^e Instance, of *Rob^t Kay* w^{ch} you Complain of, for the Composition of one Acre of land, for fifty or sixty bushells of wheat you had done right if you had exprest y^t there was a good Mill vpon y^t acre of a Considerable value, w^{ch} cannot be Concieued to Come within y^e words of y^e Charter for two pounds of tobacco Φ Acre

And as to *Akerlands* land y^t did Escheat, it was a fauour of y^e Lord *Culpeper*^{rs} bestowed upon his seruant M^r Roger Jones, whilst present in his Gouvern^t

And lastly to *John Dormer* although y^e office was not found, both the Escheat^{rs} and Sherriffs fees were justly due, their paines & trouble being y^e same seeing y^e office was held.

Effingham

May the 20^e 1684.

And we doe hereby giue and Grant unto you full power and Authority with y^e aduice & Consent of our said Councell to Erect Constitute and Establish such and soe many Courtes of Judicature, & publike Justice within our said Colony & dominion as you and they shall thinke fitt and necessary for y^e hearing & determining of all Causes as well Criminall as Ciuell according to Law & equity & for awarding of execution thereupon with all Reasonable & necessary powers Authorities fees & priuiledges belonging to them as alsoe to Commiffionate and appoint fitt Φ sons in y^e feueral partes of our said Colony to administer y^e Oths of Allegiance and Supremacy unto such as shall be Obliged to take y^e same. and we do hereby Grant unto you full power And Authority to Constitute & appoint Judges, in Cafes Requifite, Comm^{rs} of Oyer & terminer, Justices of y^e peace, Sherriffs, and other necessary officers and Ministers, within our said Colony.

A Coppie of a Clause of my

Lord Howards Pattent

E. Chilton C^l Gen^l Ass^{ly}

The House Adjournes to y^e third drum to Morrow.

Wednesday

Wednesday May 21^e 1684

THE House mett and Call'd

A Letter from Coll^o Byrd to his Exln^cy, and by him Comunicated, is Read,

The Report of y^e Com^{tee} of Claimes Returned from his Exln^cy & y^e Councell with some Additions and propositions for Alteration,

Together with Another Message Concerning Quittrents.

And also Another Message Concerning y^e Adrefs to his Ma^{tie} sent from this House yesterday.

Which being read Major *Scarburgh* & Cap^t *foster* are desired to wait upon his Exln^cy, to pray him to transmit to y^e house, The Adresse to his Ma^{tie} sent to his Lordship yesterday, To w^{ch} his Exln^cy Relates in his Message, to the end they may Consider thereon.

And they bring y^e Adresse into y^e House.

By his Exln^cy and Councell.

Mr *Speaker*

As to my Lord *Culpepers* undoubted Right to y^e Quittrents, we had thoughts, that you had receiued full satisfaction by our message of y^e fifteenth instant, sent to your house by the Clerke of the Generall Assembly.

And whereas you doe insift upon what his Ma^{tie} Comm^{rs} should Report, wee Conceiue it ought to be taken only for report, nothing appearing, y^t y^e Lord *Arlington* surrendered his Right to his demise from his Ma^{tie} of y^e Quittrents, and y^e same Cannot be thought to be foe, seeing by a late deed recorded in M^r *Secretarys* office, and prooued before him it appeares his Lordship Alienated the same to y^e Lord *Culpeper*.

To yo^r first queræ you propose viz^t if y^e Lord *Culpeper* had any such lease or demise legally granted &c. you resolued in two former parts of yo^r Adresse, first in acknowledging to haue receaued a Copie from Major Gen^l *Smith*, then Agent for *Virg^a* and secondly in Coll^o *Morrifons* affirming, y^t y^e said Lord *Arlington* surrendred his Right, w^{ch} could not be, except such deed had passed, and in y^t you contradict yo^r selues.

As to y^e second Quaræ it is Conceiued that y^e Charter only Confirmes our lands settles Compositions, & in noe waies disposes of the Quitrents, nor to whom Compositions for escheates, shall be paid, his Ma^{tie} haueing by a former Grant settled them on the Lord *Arlington*, and Lord *Culpeper* for terme of yeares. therefore it cannot be taken in any waies to destroy or inuallid his Ma^{ties} Grant to y^e Lord *Arlington* and Lord *Culpeper*.

To the 3^d if the Lord *Culpeper* did not exercise all y^e powers & priuiledges in his Grant Contained, nor did not strictly take all the profits & aduantages therein mentioned, his moderation cannot in any waies be taken to lesson or destroy his Grant.

To y^e 4th we conceiue y^t this is not y^e first Grant, that his Ma^{tie} has been pleased to passe under y^e priuy seale, & whereas you say, y^t it was stopped by our supplication, & y^t there were noe further proceedings thereon, wee take y^t to be only report, being the first time that euer we had heard of it, and nothing appearing to us upon record.

To yo^r fifth quera that such a demise was legally passed, & y^e Quitt rents by uertue thereof well receiued doth appear by M^r Auditor *Bacons* annually returning to y^e Lords of the treasury, a particular rent roll of euery County & y^e rents thereof receiued paid to y^e use of y^e Lord *Culpeper* admitted and allowed as well paid in y^e Right of y^e Lord *Culpeper* which M^r Auditor *Bacon* has Already affirmed to yo^r Com^{tee} & whereas in y^e same quaræ, you unfitly seem to question, whether any such demise was produced to be recorded in y^e secretarys office, because the Originall is not there to be produced, in w^{ch} if y^e uerity of y^e records should be questioned because y^e Orriginalls are not in being, it would thereby destroy many deeds & Grants, Justly made & passed.

To the sixth, whereas in this quaræ, it is questioned whether such demise euer passed y^e broad or priuy seale, because not published we conceiue y^t the non-publication of it can in no waies lessen y^e right of y^e Kings Grant, and it likewise conceiued, it was legally entred upon record, for y^t Grants from the King, cannot be tied to limitation of time,

as you seem to hint at our law Limitting time for acknowledging of deeds, w^{ch} was only made to provide against fraudulent deeds under w^{ch} Construction, we hope you will not presume, to take his Mat^{ies} demise to y^e lord *Arlington* & y^e Lord *Culpeper* neither can y^e payment of y^e quitrents to y^e lord *Culpeper* be taken as an attorn^t to y^e lord *Culpeper*, our lands being held of y^e kings Mat^{ie} who may dispose of his quit rents, as his Mat^{ie} in his Gracious favour shall think fitt, And whereas you doe say y^t should y^e demise be good, we should be liable to pay all the arrears of quitt rents, & it may be, In money, if you have any such feares or doubts, it is apprehended a readier course cannot be taken, then by this your stiffe questioning y^e Right of his Mat^{ies} Grant to y^e lord *Arlington* and lord *Culpeper*, by w^{ch} his Mat^{ies} displeasure may be soe drawn upon vs, as to require y^e arrears of Quitt rents

May 20^e 1684.

E. Chilton C^l Gen^{ll} Assembly

Resolved that this is not a full Answer to y^e reasons sent by this House to his Exln^{cy} concerning y^e demise to y^e R^t Hon^{ble} Earle of *Arlington* & Lord *Culpeper*, & that it doth not appeare, That y^e lord *Culpeper* hath or had any Just Right to Receive his Mat^{ies} Quitt rents by uertue of any such demise

By his Excellency

Mr Speaker

I this day received a paper from your house, being an Adress to his sacred Mat^{ie} Consisting of many partes.

The first being an humble supplication, y^t noe Appeales may lye open, for reasons therein expressed, but if it shall seem Good to his Mat^{ie} that appeales shall lye open that none may be p^rmitted to be under the reall value of five hundred pounds *ster* & y^t sufficient securities may be given to pay all Costs & damages in case y^e Judgm^t be affirmed.

The adrefs soe worded, I cannot thinke fitt to passe his Mat^{ie} having been pleased to signifie his pleasure, that Appeales shall lye open, for reliefe of his subjects In all Causes of the reall value of one hundred pounds *ster* to w^{ch} as its my duty I shall yeild all due obedience.

But in case you will compose your selves to prepare an humble ad^res to his mat^{ie} humbly setting forth how grievous & ruinous it may be to his Mat^{ies} subjects here to have appeales lye open for too small a s^ome, as one hundred pounds *ster* & humbly supplicate his Mat^{ie} that noe appeal shall be under three hundred pounds *sterling* of w^{ch} there are few Judgments here passed, my Selfe & y^e Councell will joyne with you therein.

Mr Speaker, whereas in another part of yo^r adresse, you propose y^e lawes made by y^e Gou^r Councell and Burgeses of y^e Gen^{ll} Assembly may have y^e force of lawes, untill y^e same be made void and repealed by y^e same authority of y^e said Gen^{ll} Assembly.

The same is soe great an entrenchm^t upon y^e royall authority y^t I cannot but wonder you would offer at it. But in case in y^e same adresse, you will humbly supplicate his Mat^{ie} y^t all laws here made & enacted by his Gou^r Councell & Burgeses. of his Gen^{ll} Assembly, being according to our duty humbly p^rsented to his Mat^{ie} for his Mat^{ies} & Hon^{ble} Councils considera^on. of y^e same, in case his Mat^{ie} should please to disapprove of any of them & y^t his Mat^{ie} would out of his grace & fav^r only signifie his suspension of y^m untill his Gou^r & Councell shall humbly represent to his mat^{ie} y^e grounds & reasons of making such laws & when such representation is made, y^t y^m his mat^{ie} may be pleased to signifie his approba^on or disallow^c of the same, in w^{ch} my Selfe & the Councell will joyne with you.

But as to y^e other partes of y^e Adress they are soe unfitt to be presented to his mat^{ie} y^t I cannot admit any part of them to pass. unless y^t w^{ch} is concerning y^e Bibles, & other bookes brought in by me, of which I have wrote to my Lord Bishop of *London* already in your behalves.

May 20^e 1684

Effingham.

The Claimes Returned from his Exln^{cy} and Councell with y^e Additions and Alterations, debated.

It

It is put to the Question whether the 98,000 pounds of tobacco Claimed by M^r Secretary *Spencer* as Attorney of the R^t Hon^{ble} the Lord *Culpeper* or shall be now Leuyed and paid to M^r Secretary *Spencer* as demanded or not.

Resolved in the Affirmative, And that it be paid in the Counties where the same was disbursed.

The Claim of M^r *Chilton* is debated
of Coll^o *Kendall*, and allowed in tobacco.
of the Attorney Generall
of Cap^t *Bacon*
of *Hugh Owen*
of Cap^t *Armigar*

And the House adjournes to y^e afternoon.

Post Meridiem

THE House Mett and Called.

Vpon debate of y^e Claim of Coll^o *George Lyddall*, Cap^t *ffoster*, M^r *Story* now Recommended to the house by his Exln^cy & Councell. It is put to the question whether Coll^o *Lyddall*, Cap^t *ffoster* & M^r *Story*. for themselves, and their soldiers shall be Allowed, fifteen thousand or twenty thousand pounds of tobacco

Resolved that they shall have twenty thousand pounds of tobacco, out of which Coll^o *Lyddall* shall be paid fifteen hundred pounds of tobacco & Caske Cap^t *ffoster* thirteen hundred pounds of tobacco, and to M^r *Story* twelve hundred pounds of tobacco and Caske and the Rest of y^e Twenty thousand pounds of tobacco shall be Equally diuided amongst y^e men by y^e Comand^r

And that y^e quarters of the said Command^{rs} and Soldiers shall be paid and borne by y^e County of *New Kent*

Major *Kearne* & Cap^t *Applewaite*
Carry back y^e Claimes to his Exln^cy and Councell with y^e Answer of this House to y^e Alterations, Amendm^{ts} & further Allowances.

And Report they haue deliuered it to his Exln^cy
Cap^t *Cary*, and Cap^t *Custis*
are appointed to Carry back y^e bill for imposition to his Exln^cy together with the Answer of this House of y^e 19th instant to his Exln^cy and Councells proposalls thereon who report they haue deliuered it,

And y^e said bill is Returned assented with Alterations.

M^r *Chilton* brings a Message from his Exln^cy y^t he expects y^e attendance of the whole house in the Councell Chamber

And the House doth accordingly attend his Exln^cy.

And being Returned M^r *Speaker* acqu^{ts} the house the substance of his Exln^cy Speech, was Concerning the Allowance of y^e Clerke of y^e Gen^l Assembly and the Attorney Gen^l

Ordered y^t Reasons be drawn up ag^t to Morrow Morning & p^rsented to this House, for y^e houses proceedings in their Allowances to y^e Clerkes. and disallowance of y^e Claim of M^r *Attorney Gen^l*

Major *Samuell Swan*, is Added to the Com^{tee} appointed to treat & agree about y^e building of y^e state house.

And the house Adjournes to y^e 3^d drum to Morrow.

Thursday May 22^e 1684.

THE House Mett and Called.

The Report of y^e Com^{tee} appointed to treat and Agree with some undertakers for the building of the statehouse, Read in the House & is approoued with all the amendments.

The Com^{tee} with y^e said Report doe waite upon his Exln^cy and Councell,

Cap^t *Cary*, and Cap^t *Custis*

are appointed to waite upon his Exln̄cy and to acquaint him that is the humble request of this house that they may haue a p^rsent admissiō to his p^resence.

They Report they haue deliuerd this Message and his Exln̄cy was pleased to declare his willingnesse to receiue y^e attendance of the House.

M^r *Chilton* brings word his Lord^{sh} is Ready to Receiue the Houses attendance.

And the House doe waite upon his Exln̄cy & p^rsent y^e Congratulatory adresse to his Ma^{tie} And to his Exln̄cy to prefer y^e fame to his Ma^{tie}

The Adresse of y^e 16. instant w^{ch} was p^resented to his Exln̄cy for p^referrance to his Ma^{tie} and Returned being now Altered and amended.

It is put to the Question whether y^e said Adresse shall be p^resented againe to his Exln̄cy with y^e humble Request of this House to p^rfer y^e fame. to his Ma^{tie} or not.

Resolved in y^e Affirmatiue.

The Report of y^e Com^{tee} for Contracting for the building the state house, Returned from his Exln̄cy, assented, and it is Referred to M^r *W^m Sherwood*, to draw the Articles between his Exln̄cy and the Speaker in behalfe of y^e Gen^l Assembly And the Hon^{ble} Coll^o *phillip Ludwell* for y^e Rebuilding the state house.

Coll^o *Scarburgh*

Cap^t *Page*

M^r *Ring*

Are apointed to wait upon his Exln̄cy wth the Reasons, in Answer to his Exln̄cys speech yesterday.

The petition of Coll^o *Nathaniell Bacon* to the Gou^r Councell & Burgeffes of this Gen^l Assembly, Referred to this house by his Exln̄cy and Councell. for a stack of building belonging to the Country, formerly Granted to *phillip Ludwell* Esq^r for 50. yeares. Being Read. And the Hon^{ble} *phillip Ludwell* Comeing into this house and declareing that he did voluntarily Relinquish the said lease or Grant.

Resolved that the said Building or Ruine of two houses be leased to the Hon^{ble} *Nathaniell Bacon* Esq^r for fifty yeares now to Come under the same Condiçons and Limitations and prouisoos as are Contained or intended in or by y^e Order of *June 1680.* or in y^e Order thereupon made at y^e Assembly y^e 10th of *nouember 1682.*

Resolved That the granting of any lands that escheate to his Ma^{tie} to any other person then to those that haue Right thereunto by his Ma^{ties} Gracious Charter or shall take a greater Composition then in y^e said Charter. is exprest is a breach of his Ma^{ties} Royall Charter granted to this Country bearing date at *Westminster*, y^e 10th day of *October* in y^e 28th yeare of his Ma^{ties} Reigne and a Griouance to his Ma^{ties} Subjects of *Virginia.*

The House Adjournes to y^e Afternoon.

May it please yo^r Exln̄cy

When this house waited upon yo^r Exln̄cy yesterday by your Comānd you were pleased to expresse yo^r Resentment of the Houses proceedings, in the Allowances, to the Clk. of the Gen^l Assembly, And the Clerke of y^e Assembly, And the vote Concerning the Attorney Gen^l, In w^{ch} we take it our duty, to giue yo^r Exln̄cy all manner of satisfaction.

1^o Twenty thousand pounds of Tobacco & Caske hath bin the Constant Allowance to the Clerke of the Assembly, for about twenty years now last past, as needfull to giue Encouragem^t to p^rsons of Competent Ability, and reputation to undertake an employment of such p^rformance and Trust.

2^o. This Employment Labour, and Care by the Method, now vsed in Assembly proceedings And by the many transcriptions of the Journalls, Acts, Leuiies and other things sent for *England* by order of the R^t Hon^{ble} the Lords Com^{tees} of his Ma^{ties} Councell for trade, & florreign plantations, is uery much increafed, Besides the many other things that increafes the Bulke of this Houses Journall more then formerly, with his Great expences, these long Assemblies, & maintaining two Clerks, at his own Charge, for the more reddy transcribing of bills. and other Matters, dureing the setting of the house, where he must of necessity, giue his Attendance

Whereas

Whereas we humbly Conceiue the Clerk of the Gen^l Assembly, hath Little more (as Clerk of the Gen^l Assembly then y^e Journall of yo^r Exln^cy and the Councell Proceedings) and is at noe more Charge than his Attendance here, on his other profitable employment requires. And the Clerke of the Gen^l Assembly, hath bin known distinct from the Clerke of the Assembly, but since the Gen^l Assembly 1680. when that moſte unfortunate vote (for this Country of ſeperating the Hon^{ble} Councell, from y^e Com^{tees} of this Houſe paſt ſince which Ten thouſand pounds of tobacco, at moſt w^{ch} this houſe hath Continued, was by the Aſſembly Judged a ſufficient recompence for ſuch employment, And as to the Attorney Gen^l the Houſe doe humbly Conceiue he is undoubtedly one of thoſe officers, mentioned in that Act of *June* 1680, for raiſeing That Reuenue And ſoe provided for by the Act, beſides that there are many forfeitures, confiſcations, and other things accruing to his Ma^{ties} in w^{ch} his employm^t lyes and particularly y^e late obtaining a Judgm^t ag^t the Eſtate of *Samuell Ouſtin*, deceaſed, for a debt due from that to the Eſtate of *Anthony Arnold*, forfeited to his Ma^{ties} and others of the like nature, out of w^{ch} we did humbly conceiue might properly be Refunded, the Reward of ſuch Performances.

All which we humbly ſubmitt to yo^r Exln^cys Conſideration, Affureing yo^r Exln^cy, That we ſhall not wittingly offer, at any thing that ſhall not ſuite with our duty, And Allegiance, to our Gracious Soueraigne The Honor and Reſpect we Acknowledge and declare Juſtly due, to yo^r Exln^cy, and the diſcharge of the Truſt Repoſed in vs w^{ch} is the Utmooſt of Deſires and intentions.

Post Meridiem May 22^e 1684.

THE Houſe Mett and Called

The Articles between his Exln^cy and M^r *Speaker* on the one part & Coll^o *Phillip Ludwell* for the Rebuilding the ſtate houſe, Read approved by the houſe and ſent to his Exln^cy.

M^r *Chilton* brings in a Meſſage in writeing from his Exln^cy as followeth-
By his Excellency,

M^r *Speaker*

When I commanded yo^r houſe yeſterday to attend me. I gaue you in Charge the Conſideration of M^r *Attorney Gen^l* four yeares ſeruiſe, for w^{ch} no ſatiſſa^con as yet, has bin aſſigned, though the quantity of tobacco propoſed for his ſeruiſes is ſoe low & mean y^t it dos not Anſwer his moderate expences in attending his Ma^{ties} Seruiſes, nor equall with y^e Salleries you allow to y^e Clerks of yo^r Com^{tees} and whereas you inſiſt y^t he be ſatiſſied, out of his Ma^{ties} Reuenue w^{ch} you y^r ſelues haue ſeen and know to be Conſiderably in arrear, & nothing from thence can be expected, therefore I expect you make prouiſion for him, as vſuall, and as giuen in Charge.

In yo^r Anſwer to what I gaue you in charge in Relation to the Clerk of the Generall Aſſembly, as to the Allowances, I expected you ſhould haue made to him for his ſeruiſes done this Gen^l Aſſembly, Its ſoe unfitt for me, and the Councell to paſs, & ſoe unbecom^{ing} you to offer being Tenn Thouſand pounds of Tobacco, to him, as Clerke of the Gen^l Aſſembly when at the ſame time you haue appointed to yo^r own Clerk Twenty Thouſand pounds of tobacco. It is ſuch an inconfiſtency, with y^e Station that they both ſerue, in that I cannot but be Concerned at it, and therefore muſt tell you, that if you doe not doe the Clerk of the Gen^l Aſſembly, equall Right with the Clerk of the Aſſembly I ſhall be forced to Reduce his Sallary proportionably to what you ſeem to Apprehend the Clerk of the Gen^l Aſſembly may deſerue their ſeruiſes paines and Care being Equall.

And whereas you offer yo^r opinions, that the Allowance to the Clerk of the Houſe of Burgeſſes by Reaſon of two Clerks which you ſay he keeps for tranſcribeing Matters paſſing, in the Aſſembly, is but reaſonable.

To it, its Concerned it may be Reaſonably anſwered that by Copies of the Acts for euery County, he hath an allowance ſufficient for the ſatiſſa^con of the Clerks, he keeps.

I therefore, expect that you doe accordingly Consider it, and ascertaine to the Clerke of the Gen^l Affembly as I shall passe to the Clerk of the Affembly.

And as to the other partes of his Claimes, I expect you Consider them, and to make those Allowances, which in reason and Justice he deserues, and it is allowed by you to others, that we may noe longer dwell upon these small matters. but Close this Affembly.
May 22^e 1684. *Effingham.*

Vpon Reading of this Message.

Resolved, that a Confrance be prayed with some Gentleman of the Hon^{ble} Councell and such members of this House, as shall be appointed thereto.

May it please yo^r Exln^cy

The House of Burgeffes haueing Read yo^r Exln^cy's last Message about the Attorney Gen^l And Clerke of the Gen^l Affembly, pray yo^r Exln^cy, that you will be pleased to Admitt of a Confrance between some of the Hon^{ble} Councell by yo^r Exln^cy, and such Members of this House, as shall be appointed to that end.

Cap^t Page &c bring word his Exln^cy will Admitt the Conference.

Coll^o Thomas Ballard

M^r William Sherwood

Maj^r Char: Scarburgh

Coll^o Allerton

M^r Minge

Are appointed to Mañage the Conference with such of the Hon^{ble} Councell, as his Exln^cy shall appoint about y^e buisnesse of the Attorney Gen^l and the Clke of the Gen^l Affembly.

M^r Chilton brings a Message that his Exln^cy commands the Attendance of the whole House.

And the House doth Accordingly wait upon his Exln^cy, in the Councell Chamber.

And being Returned

M^r Speaker Acquaintes the House, That his Exln^cy pleased to say the Addres to his Mat^{ie} this day deliuered to him, was uery acceptable & well Conceiued And that he and the Councell would Joyne with this House in the same, with some Alterations, And that the house should suddenly receiue the same from them And it should be presented in the name of the Gen^l Affembly.

The Gen^t Appointed to mannage the Conference with M^r Secretary, & Coll: Bridger appointed by his Exln^cy, Giue in their Report by Coll: Ballard and M^r William Sherwood.

Whereas this House hath maturely and deliberately debated M^r Chilton Clerke of the Gen^l Affemblys Claimes, and the Report of the Com^{tee} of Claimes thereupon, and finding that in feuerall Articles for extraordinary seruice he is Already Allowed 8515. pounds of Tobacco, and Caske & alsoe the some of 1450 pounds of Tobacco and Caske, w^{ch} with the sume of 10000 pounds of Tobacco, and Caske amountes to the some of 19940 pounds of Tobacco and Caske, which is neare equall with the Allowance of the Clke of the Affembly, who hath not Charged for any extraordinary seruice. Altho he hath don much such seruice for w^{ch} nothing is brought to accompte.

Resolved That the said Allowances are sufficient for the said M^r Chiltons seruices, and that he ought not to be Allowed any more by this House.

Vpon full debate of the matter Concerning the Attorney Gen^l and Consideration of two votes of the House of Burgeffes of the last Affembly of the 13th, and 15^e of december 1682.

Resolved That the said Attorney Gen^l ought not to be paid his fallary out of the Pole leuy.

Ordered That Joseph Preston one of the Door keepers of this House be for the time to come freed, and exempted from all publiq. & County Leauies.

Coll. Allerton

Cap^t ffoster

Cap^t Cary

and

Cap^t Mathewes,

waite upon his Exln^cy with the addres, and supplication to his Mat^{ie} And that to his Exln^cy, to preferr the same, and Alsoe the votes, about M^r Chilton, & the Attorney Gen^l

To his Exln^cy Francis Lord Howard Baron of Effingham his Ma^{ties} L^t and Gou^r Gen^l of Virg^a

Wee his Ma^{ties} most Humble and Loyall Subjects, the Burgeffes of the Gen^l Assembly, humbly pray yo^r Exln^cy to preferr this our humble supplication to his Most sacred Ma^{ty} as the same is now Altered. and Amended, And if it shall not please yo^r Exln^cy foe to doe that then you would please to returne the same, and extend yo^r fauo^r to this house, with direction whereby the same may come to his Majesties Royal View.

The house Adjournes to, to Morrow Morning

ffriday May 23^d 1684.

THE House Mett and Called.

Mr W^m Sherwood, and Mr Henry Hartwell, doe waite upon his Exln^cy, with the Articles for Building the State house, in order to the procuring his Signature thereto.

Mr Hartwell Reportes, that his Exln^cy was pleased to say (upon y^e presenting the Articles) that it depended all upon the Closing of the Assembly, & when he Signed other Matters, that Alfoe might be don.

The vote of this House yesterday sent. to his Exln^cy & Councell Concerning the two houses to be Granted to Coll: Bacon, Returned from his Exln^cy and Councell with their Assent, that a Lease shall be drawne.

A Message from his Exln^cy, *¶* Mr Chilton, viz^t

By his Exln^cy

Mr Speaker

Your house yesterday desired a Conference with some Members of the Councell, in Order to the Claimes of the Clk of the Gen^l Assembly, and an Allowance for his seruice, which was hoped had he gott a Right understanding,¹ and a settlement of the Matter, It being Represented to me that y^e Conference between the Gen^l of the Councell and the Members of yo^r House, was foe near to an Agreement, that I could not haue expected these delays. The seruices, paines. and trouble of the Clerk of the Gen^l Assembly, dureing y^e time of the sessions of the Assembly, being both one and the same, with y^e Clerke of the Assembly. Therefore in all Moderate Judgments it cañot be thought, but that their Reward, should be Equall, and as foe, I shall be ready to passe it w^{ch} with the Allowances, by yo^r house Already giuen for his Extraordinary seruices though it be meane) to the intent that this present Session may be Closed, I shall admitt it foe to passe, therefore expect noe further time be wasted in this nature.

As to the seruices of the Attorney Gen^l It is fitt, in fower yeares time, hee be Considered, w^{ch} if by yo^r house now discharged, Endeauors shall futuramente be y^e prouision be made that neither I nor you be troubled in this nature, And should not now if the Revenue had not bin in Arrear, therefore lett not foe Just a matter dwell with you for the expence of foe much time, and Charge. as it hath Already don in w^{ch} I expect yo^r Compliance.

May 23^d 1684.

Effingham

Mr Chilton brings Another Message from his Exln^cy, with the Adresse to his Ma^{ty} sent last night, and acquaintes the House, his Exln^cy desires the Sight of the state of the Claimes, w^{ch} is sent *¶* Mr Wilson.

By his Exln^cy.

Mr Speaker

The Adresse w^{ch} you last night presented me with. I and the Councell haue Considered it, and find it in all its partes to be the same with the former, except the some uppon Appeales, w^{ch} in that was five hundred pounds *star*, In this three hundred pounds *star*, To yo^r former I gaue Answer, and assured you if you would prepare an humble Adresse to his Ma^{ty} Consisting of such partes, as might be fitt for the Gen^l Assembly, to supplicate his Ma^{ties} Grace and fauour in my selfe and the Councell would Joyne with you, but

¹ The text appears to be here hopelessly corrupt, though the general sense is clear.

but finding this to be the same, and soe unfitt to be presented, I cannot but so resent it as to tell you that if you will not better Consider, what is becomeing yo^r house to offer I (as its my duty) shall not suffer any matter of this nature to pass this Gen^l Assembly. Therefore unlesse you can better temper yo^r selues in preparing an Adresse, fitt and becomeing dutifull Subjects, I must and shall require you to sett this wholly aside.
 May the 23^d 1684. *Effingham.*

Resolved that the following answer, and adresse be humbly presented to his Exln^cy
 May it please yo^r Exln^cy

The House of Burgeses haue seriously Considered yo^r Exln^cys Message euen now Reced in answer to the votes of this house, sent yo^r Exln^cy, last night concerning M^r Chilton, and the Attorney Gen^l

The subject of those votes was uery maturely weighed and debated, & upon such grounds & Reasons Resolued, That we Cannot Recede from it without betraying the trust reposed in us by the County that sent vs.

And wee pray yo^r Exln^cy to belieue that upon none but such Grounds we would spend this time that now passes to the Great increase of the Countries Charge, and impediment of our priuate affaires, And therefore humbly pray, that yo^r Exln^cy will be pleased we may proceed to the Cloeing of the Assembly.

This is sent by Coll^o Kendall and M^r Knight.

A Message from his Exln^cy as followeth.

By his Exln^cy.

M^r Speaker

The Adres which you yesterday in person attended with the House of Burgeses presented me with directed to his Most Sacred Ma^{tie} myselfe & the Councell haue now fully Considered, and are of opinion, that a Conference aboute the same will be the most proper Meanes to Aniwer both our & yo^r expectations, Its therefore proposed that a Conference be held about the same, without delay and that you Returne me the Names of those members of yo^r house, as shall manage the same to Joyne with M^r Secretary Spencer, Coll^o Bridger. and Coll Ludwell, whom I haue assigned for that purpose.

May 23^e 1684.

Effingham

Coll^o Ballard

Coll Isaac Allerton

Coll. Dan: Jenifer

Cap^t W^m Randolph

M^r Jam: Minge

M^r W^m Sherwood

Are Appointed by the house of Burgeses to manage the Conference with those Gen^l of the Hon^{ble} Councill assigned thereunto by yo^r Exln^cy.

The House adjournes to the afternoon.

Post Meridiem

THE House Mett and Called.

It is put to the Question

whether the House of Burgeses. haueing first made their humble supplication to his Exln^cy, the Gou^r to p^rfer their humble adrefs to his Ma^{tie} representing therein, the state of the Country, And being by his Exln^cy the Gou^r denyed such their humble supplication, may not (Reseruing to his Exln^cy and Councell all due Res^{pe}ct) in an humble dutifull and Loyall manner vse some other Lawfull meanes to procure such their humble Adresse to the view of his Sacred Ma^{tie}

Resolved That it is the undoubted Right, & priuiledge of the House of Burgeses in an Humble dutifull, and loyal manner, by an Humble Adresse, to Represent the State of the Country, to his Ma^{tie} And by any Lawfull means endeaour the preferring such humble Adresse to his Ma^{ties} view.

M^r

Mr Chilton brings Another Message from his Exln^y. and acquaintes the house the Hon^{ble} Gen^t of the Councell assigned to the Conferance, are Ready in the old Councell Chamber.

By his Exln^y

Mr Speaker

To haue Receiued Earliar assurances from you of yo^r desires, soe well to haue husbanded yo^r time, as yo^r last Message intimates (which I haue frequently minded you of) would haue been much to my satisfac^{on}, & to lett you see how desirous I am thereof, I take yo^r first Motion thereto and am therefore content for the present to pass the satisfac^{on}, for the seruices of the Clerke of the Gen^l Assembly, As is by you presented, Soe as that for the future the satisfac^{on} by you giuen to the Clerk of the Gen^l Assembly, And to yo^r Clke be not brought into president which I shall take Care to preuent by Reducing Regulateing and moderateing all imoderate Sallaries to a fitt proportion (w^{ch} time will not now Allow) as may tend to the ease of the Gouvern^t pursuant to his Ma^{ties} Royall instruc^{on} therein, And to the intent we may speedily end this unthrifty sessions (by you not Considered) untill this yo^r seeming Good husbandry in this yo^r last Juncture, I Require you to proceed to proportion the Leuy.

May 23^d 1684.

Effingham

Coll^o Allerton

Cap^t Cary

Maj. Kearne

Mr Hartwell

Major Swann

Coll^o Jenifer

Cap^t Randolph

Cap^t Page

Are appointed a Committee for the proportioning the Leauy, and they are to take what Clerks belonging to the house, they shall thinke fitt.

The Gen^l appointed for the Conference with the Gen^l of the Councell aboute the Congratulatory Addresse to his Ma^{ties} Report by Coll: Ballard: who deliueres the Addresse, that the Councell are willing to Joyne with this House in y^e said Adresse.

It being put to the Question whether the Addresse to his Ma^{ties} shall goe in the name of the House of Burgeses only, or in the name of y^e Councell and Burgeses.

Resolved it shall goe in the Name of the House of Burgeses only.

The House Adjournes to the 3^d Drum to Morrow.

Saturday May 24^e 1684

THE House Mett and Called.

Whereas Major Hen: Whiteing of Gloucester, Mr Abraham Weekes, Mr Richard Parrott of Middlefix, Cap^t David ffox of Lancaster, And Major Cha: Scarburgh of Accomack, haue to the Great Contempt of this House, and the Neglect of their duty, without leaue or Licence obtained, departed from y^e Gen^l Assembly, It is the unanimous Resolue of the House of Burgeses, that the Sherriffe of the said Respective Counties, doe Collect from each of them the said Maj: Hen: Whiteing, Mr Abraham Weekes, Mr Rich^d Parrott, Cap^t David ffox And Major Charles Scarburgh, the some of one thousand pounds of tobacco. And in Case of Refusall to destraine for the same, And to be accomptable to y^e next session of Assembly, And the Clerk of the Assembly is hereby enjoyned y^a to giue Noice of this Order to the end enquiry be made how the same hath been executed,

A Bill intituled *An Act, for the publiq Leuy*, Read the first time.

The said Bill Read the Second time.

The said Bill Read the third time, And past the House, and Ordered it bee presented to his Exln^y, and Councell for their Assent, By Mr Hartwell and Major Swan.

Mr Sherwood

Cap^t Randolph

L^t Coll^o ffarar

&

Cap^t Custis,

doe waite upon his Exln^y with the Congratulatory Addresse to his Ma^{ties} and the vote of this House, Concerning the Councells Joyning therein.

Coll

Coll *Thomas Pate*, M^r *W^m Sherwood*, and the Clke of the Assembly are appointed to send the Addresse from this House, to his Ma^{ty} to *Edward pate Esq^r* and to desire him it may be deliuered to M^r *Blaythwaite* to be represented to his Ma^{ty}

And M^r *Speaker* is Desired by the House to signe it.

Coll^o *pate*, And Cap^t *Cary* waite upon his Exln^y to Acquaint him the House of Burgeffes, are Ready to waite upon him, with the Lawes.

Vpon the Motion of the Burgeffes of *James Citty* County and of the Burgeffes of *James Citty*, for ascertaining the Bounds of *James Citty*, for Encouragement of Building therein, It is ordered by the Gour^t Councell, and Burgeffes of this Gen^l Assembly, That the Bounds of the said Citty, begin on the West side of *Sandy Bay*, and doe down *James Riuer* to *William Brisfos Run* and from thence North North East to the *Back Creek*, and up that Creek to the place it began.

Which being p^resented to his Exln^y, by M^r *Hartwell*, is thus Returned.

By his Exln^y.

Orders being disagreeable to parliamentary p^rceedings. I cannot Conceed to let this pass as an Order, but am Equally willing with you, that it bee Reduced into an Act, to be passed this Sessions, or Referred to the Next w^{ch} will be more proper, much time being Already waisted.

May. 24^e 1684

Effingham.

A Message being brought, That his Exln^y is gon to the Court house, And expects the house.

The House doe attend upon his Exln^y, and Councell in the Court House.

The Acts are Read, Signed by his Exln^y, and M^r *Speaker*, And his Exln^y doth in his Ma^{ties} name dissolve the Assembly.

A Coppie of his Exln^y the Lord *Howard's* Speech at the opening of the Assembly.
Gentlemen

Since it hath pleased his most sacred Ma^{ty} to thinke mee worthy to serve him in this Circumstance I doe own my Selfe very happy that hee hath sent mee hither, not soe much in Relation to the place as the worthiness of the persons Inhabiting in it for *Gentlemen* I observe in you such an Intire Conformity to the Church and Readiness to Testifie yo^r Loyalty to his Ma^{ty} That I Consequently promise my self an happy Issue of my Endeavours which next to the satisfaction that I have within mee that they shall bee always Zealous for his Ma^{ties} service, and you would Crown my wishes.

M^r Speaker and you Gentlemen of the house of Burgeffes

I am full of Joy that I can on such good grounds acquaint you that his Ma^{ties} Thoughts of Care nay Thoughts of kindness too for this his Collony and Dominion dayly Encrease Some Signall Testimony whereof I haue been in dayly expectation you would long ere this haue been witnesses of, others as many here p^resent doe Know, are perfecting for your Advantage and more still I am Confident are in his Ma^{ties} Breaft some of which hee hath Comanded mee to Communicate vnto you

That hee is much Concern'd and thinks it strange that this Colony which hath preceded most of it's Neighbours in Antiquity should bee soe late in Acting what would Conduce soe much to Its own Advantage. I meane as to the building of Towns It might very Reasonably bee Concluded that the Reputation that this Method hath given to other places should long ere this have stimulated y^e to have followed their good Examples But since that hath not I hope the great security and Benefitt (which is Evident) they Enjoy by It will soe farr Encourage you, that you will bee noe longer deficient to your-selves in soe materiall a point And here I cannot omitt Remarkeing his Ma^{ties} great goodness to you, for it is his desire that the matter may bee soe Ordered & digested That It may bee as serviceable & easy to every particular planter & Inhabitant as in all It's Circumstances It will beare.

His Ma^{ty} will omitt nothing on his part to make you prosper And therefore hath Comanded mee to lett you know That Notwithstanding the many Solicitations and
Advantagious

Advantageous Offers that have been frequently made him for suppressing the Indian Trade yet his Concerne is soe great for the welfare of this Colony that hee hath Ordered that It shall bee free and open

Therefore since his most sacred Ma^{tie} hath Manifested soe much Grace towards you I doe not Question but you will bee zealous in performing your duties to him and expresse it particularly now by your ready Compliance with his desires w^{ch} are these That here may bee a Law Impowring the Governo^r for the tyme being with the advice of the Councill to Raife a Leavy as there shall be occasion Not exceeding Twenty pounds of Tobacco $\frac{1}{2}$ poll for defraying the Contingent Charges of the Governm^t which at p^{re}sent is soe straitned that It hardly answers It's own occasions And in this *Gentlemen* his Ma^{tie} hath Relation still only to your ease and Benefitt for hee is Contented that the Accompt & disburstm^{ts} of that Leavy bee Inspected into by the succeeding Affembly.

Here is another thing *Gentlemen* which his Ma^{tie} did Expect the last Affembly would have prevented you in That they would have had soe great Regard to the safety and felicity of this his Maj^{ties} Governm^t that they would have made a Law to declare their Detestaçon and abhorrence of that horrid and matchless madnes of plant Cutting And by it likewise have secured the property of every Inhabitant in this Collony But hee doth not Question but their Negligence and omiffion will bee fully and amply supplied by your dilligence and Duty.

I hope I need not desire you to take into your serious Consideraçons the weighty Concerne of the Indian Affair. In which without Complement I speake it to you I have soe much Sympathized with every person that hath been dampnified or Terrified by them, That I have had more disturbance for your sakes by it then I am Confident I shall otherwise dureing my happinefs of staying with you.

There is another thing very worthy to bee Considered and in that I desire your advice and assistance That his Ma^{ties} Militia of this his Colony and Dominion may bee soe Modelled that it may bee of great^r ease to every person and may Import more to the Hono^r of his Ma^{tie} and your Safety then at present I Judge it doth I hope it may bee so Methodized that It may bee les Chargeable to you & much more serviceable in securing the Country ag^t the fforraign Indians then the Measures at p^{re}sent are taken I have only this to add that I am Confident through the great vigilance and prudent Conduct of your late honourable Governo^{rs} there is nothing of private greivances that doe Accur to Impede your Intention of the publique afaires Therefore I Earnestly Recomend to you the Carefull and Speedy dispatch of them by both which you will very Effectually testifie your service to his Ma^{tie} and to those whom you Represent.

ATT A GENERALL ASSEMBLY

Begun att *James Citty* the 16^o day of *Aprill* in the Thirty sixth
yeare of His Maj^{ties} Raigne And in the yeare of our Lord
1684.

These following Orders of Publique Charge and Levy were made

Rappahanock County

[Tobacco lbs.]

To Jn ^o Seymour for himfelfe & horfe ten days in y ^e Countries Service.....	00324
To Rich ^d Cawthorne Cheife of the men Imprest by the late presidents Order for the Removall of the <i>Rappahanock</i> Indians for ten days service him- felfe and horfe allowance for Caske Included.....	00324
To Rob ^t Cade for Eight days in the same service.....	00086
To Geo: Keifeild for a horfe the same tyme.....	00129
To Jn ^o Smith for Nine days the same service.....	00097
To Henry Woodmitts for his horfe the same tyme.....	00146
To Jn ^o Clerke for himfelfe & horfe Nine days.....	00243
To ffrancis Brown Jun ^r for Ditto.....	00243
To Thomas Day for himfelfe and horfe four days.....	00108
To M ^r Jn ^o Waters for himfelfe & horfe Nine days.....	00243
To Rob ^t Mills for himfelfe and horfe.....	00243
To Jn ^o Meader P ditto.....	00243
To Jn ^o Evens P ditto.....	00297
To Jn ^o Williams P ditto four days.....	00108
To David Romee P ditto five days.....	00135
To Henry Williamfon for his man & horfe in y ^e same service.....	00135
To Jn ^o ffranklyn for himfelfe Nine days.....	00097
To Maj ^r Henry Smith for his horfe the same tyme.....	00145
To Rob ^t Gaines for himfelfe & horfe.....	00270
To Nicholas Patly for himfelfe & horfe Nine days.....	00243
To Tho: Crow P ditto.....	00243
To Jn ^o Wells P ditto.....	00243
To Tho: Munday for seven days.....	00189
To Jn ^o fforgifon for nine days.....	00243
To Tho: Harmur for his man and horfe 9 days.....	00243
To M ^r Edw ^d Chilton for Ditto 9 days.....	00243
To Abraham Browne for 9 days.....	00243
To Daniell Browne for 9 days.....	00243
To Edw ^d Moseley for nine days.....	00135
To Ro ^b Paine for 4 days.....	00108
To Maurice Roberts for himfelfe 9 days.....	00097
To Walter Phillips for his horfe y ^e same tyme.....	00146
To Rich ^d Tayler for himfelfe & horfe.....	00243
To Rich ^d Stokes for Ditto.....	00243
To Rob ^t Parker for his horfe 2 days.....	00032
To Jn ^o Price for himfelfe & horfe 10 days.....	00270
To Walter James for ditto 9 days.....	00243
To ffrancis Stafford for ditto 4 days.....	00108
To Jn ^o Cheeck for ditto 9 days.....	00243

To

To Vincent Pafs for ditto 9 days.....	00243
To Rob ^t Tomlyn Jun ^r for his Sloop Boat & 3 men in the 1 st service for transporting y ^e Indians Corne from the 5 th of January to y ^e 2 ^d february.....	01296
To Rob ^t Tomlyn sen ^r for securing the Indians Corne his men Cart Oxen &c and tranfporting Indians.....	00540
To Henry Aubrey for feveral services & difburftm ^{ts}	00864
To Henry Tandy Jun ^r for 10 days.....	00270
To Co ^{ll} Cadwallader Jones Comander of the Troop of this County for pay for himfelfe his Corporall 19 foldier for one yeare four Months to End the 14 th of May next 65320 the fume of 24500 pounds of Tobacco & Cask being paid by the late p ^{re} fidents Order deducted Remaines due.....	40820
Caske.....	03265
To Ditto for pay for himfelfe as Cap ^t two Corporalls 18 Soldiers and 20 horfes for 10 days which the[y] ftayed at the fort after they were paid Laft Affembly	02485
	<hr/> 57400

Northampton County

To Co ^{ll} W ^m Kendall for 30 pounds fter ^t difburft for the Countries service formerly as appeares.....	06480
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Yorke County

To M ^r Rob ^t Read for fferrying feveral perfons in the publique service over Yorke River.....	00502
To M ^r Tho: Barber Sheriffe for feveral services.....	05791
To Cap ^t Fran: Page late Sheriffe & ditto.....	02608
To Coll ^o Jn ^o Page for tranfporting Armes.....	00324
To Jn ^o Babb for Boat hands & vifions &c.....	01026
To M ^r Joseph Ring for mending Armes.....	04860
	<hr/> 15111

Charles Citty County

To Cap ^t James Bifs late Sheriffe for Jurors Charges and other Expences about a Criminall.....	02808
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Surry County

To Tho. Bufby Interpreter to the Southerne Indians for one yeare and halfe	06480
To Nicholas Witherington for tranfporting Indians over James River.....	00648
To Coll ^o W ^m Brown for One yeare and halfe Rent for the Secretaries Office at 2000 & Annu w th Caske.....	03240
To Jame Caen for goeing to Lower Norfolke w th a packett.....	00216
	<hr/> 10584

Glocefter County

To W ^m Chapman for his yearely pention.....	01080
To W ^m Hansford & W ^m Thornton Thomas Comp Ro: Bryan Benjamin Clements and Rich ^d Whitehead Juro ^{rs} vpon Tryall of the plant Cutters for 12 days attendance at James Citty.....	03888
	<hr/> 04968

Warwick County

To ffra: Redderick for Carrieing the Lord Culpepers Letters aboard Bradley	00064
To Tho: Merry for his Boate 2 dayes 43 To W ^m Mott for ditto one day 16	
To Tho: Jones & ditto 16.....	00075
	To

To <i>Rich^d Thorp</i> for carrieing an Exprefs to Coll ^o <i>Bridger</i> 32 and to <i>James Lee</i> for ditto 32 and to <i>Sam^l Chappell</i> for his Boat 43	00107
To <i>Tho: Ellet</i> for goeing on a Meffage about the privateers 16 <i>Geo: Wright</i> for his horfe 16 To <i>Henry Tompfon</i> for himfelfe & horfe 48 and to <i>James White</i> & ditto 48	00128
To Cap ^t <i>Rich^d Whittaker</i> for feveral publique fervices in his Sheriffalty...	01080

1454

Westmorland County

To <i>David Wickliffe</i> Interpreter his ufual Sallery for a yeare and Quarter..	05400
To Coll ^o <i>W^m Peirce</i> and <i>Rich^d Steereman</i> for 2 horfes loft	04320

09720

Stafford County

To Cap ^t <i>Geo: Brent</i> Comander of the Troop for One Yeare four Months pay Ending 9 th <i>May</i> for himfelfe his Corporall and 19 foldiers 65320 whereof paid him by Order of the late P ^r ident 24500 due 40820 and for two Meffengers by him fent	41620
and Caske for the fame	03329

44949

Henrico County

To Cap ^t <i>W^m Soane</i> Comander of the Troop of this County for pay for himfelfe from the fifth of <i>March</i> 1682 till the 9 th of <i>May</i> 9452 of which 4000 paid him by M ^r <i>P^rident</i> which being deducted Remaines and Caske added	05888
To the Corporall of the faid for the tyme aforefaid 1500 being paid by M ^r <i>P^rident</i>	02199
To the 19 foldiers of the faid Troop 19000 being paid them by M ^r <i>P^rident</i> Remaines Caske Included	27847
To Cap ^t <i>W^m Soane</i> for pay for himfelfe two Corporalls and 18 foldiers for 10 days	02485
To M ^r <i>Tho. Batt</i> for fervice done by Comand of Coll ^o <i>Byrd</i>	03240

21659

Elizabeth Citty County

To M ^r <i>Baldwin Shephard</i> for Charge for Jurors Witneffes & other Charges about a Criminall	03930
To Ditto more allowed for the fame	00987
To <i>Quintilian Gothrick</i> for 16 pounds of powder	00259
To <i>Jn^o Smith</i> and <i>Henry Royalls</i> horfe 4 days	00129
To <i>W^m Wilfon</i> for his Boat and 4 hands on an exprefs to <i>James Citty</i> about the privateers	00129

05434

Middlefex County

To Major <i>Robert Beverley</i> not Levyed laft Affembly	15120
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James Citty County

To <i>Rob^t Wilfon</i> Drumer for one yeare 4 mo ^o fallery	04320
To <i>W^m Drew</i> for his horfe on Publique fervice	00064
To Coll ^o <i>Tho: Ballard</i> for his Cart Carrieing Amunition from the Guard to <i>Archers hope</i> feveral tymes	00432

To

To Maj ^r <i>Samuell Weldon</i> late Sheriffe for severall publique services about Criminalls.....	19190
To W ^m <i>Briscoe Smith</i> for Irons and other trouble about Criminalls.....	01705
To Doctor <i>Lee</i> for Entertainm ^t of Indians &c.....	01360
To J ⁿ <i>Seabright</i> for Entertaining Indians.....	01346
To <i>Edward Sorrell</i> for his perticular Attendance this asssembly.....	00540
To Dr J ⁿ <i>Totan</i> for Cureing a Soldier wounded at <i>James River</i> Garrifon..	00864
To Cap ^t W ^m <i>Armiger</i> Sheriffe of <i>James Citty</i> for publique service.....	14143
To M ^r Secretary <i>Spencer</i> for 22 writts for Eleccōn.....	07700
To M ^r <i>Edward Chilton</i> for 5 days himselfe and horse in apprehending <i>Somerfett Davies</i> and <i>Black Austin</i> by Order of the R ^t Hon ^{ble} the L ^d <i>Culpeper</i>	00270
To M ^r <i>Tho: Rably</i> for his Sloop ten days goeing to <i>Accomack</i> by my Lord <i>Culpepers</i> Order.....	00432
To Cap ^t W ^m <i>Armiger</i> for the picture of the Kings Armes for the Geñall Courte makeing the Chair and mending &c.....	01242
To M ^r <i>Edw^d Chilton</i> in part for what was Ordered him out of the Estate of <i>Somerfett Davies</i> being 2150.....	01430
To Ditto <i>Chilton</i> for Caske for his tobacco levied laft asssembly.....	01600
To Dr <i>Geo: Lee</i> for a horse lost at the Garrifon.....	01080
To M ^r <i>Chilton</i> for tñscribing pattents into a new booke.....	21600
To M ^r W ^m <i>Sherwood</i> for one yeare and halfes Rent for his house at <i>Middle plantaçon</i> made vñe of by the Country.....	03320
To M ^r <i>Edw^d Chilton</i> for severall services.....	09196
To Rob ^t <i>Bradley</i> for seizing the skins Ordered laft Affbly.....	02000
To M ^r <i>Rably</i>	01500
To M ^r <i>Harding</i> for his Sloope.....	02000
To W ^m <i>fforeman</i>	01200
To L ^t Co ^{ll} <i>Milner</i> ꝑ Order of laft Asssembly.....	01728
To the Estate of W ^m <i>Macon</i> for Entertainm ^t of a Messenger eight days by the Late ꝑsidents Order.....	01065
To M ^{rs} <i>Ann Macon</i> for the Comittee Chamber and trouble of her house this ꝑsent Asssembly.....	01512
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	£ 102899

New Kent County

To Cap ^t <i>Edm^d Bacon</i> Comander of the Troope of this County for himselfe his Corporall & 19 Soldiers from y ^e 20 th <i>March</i> 1682 to the 9 th of <i>May</i> next 56096 ^{1b} tobacco and Cask out of w ^{ch} sume 24500 p ^d by M ^r <i>President</i> being deducted Remaines 31596 and for Cask for the same 2528.....	034124
To <i>Geo: Smith</i> Interpreter for one yeare and halfes Sallery from the 30 th <i>September</i> 1682.....	006480
To <i>Rich^d Yarburch</i> for his service severall tymes in discovering the <i>Senerca</i> Indians and other publique service w th Co ^{ll} <i>Byrd</i>	001620
To <i>Geo: Polgreen</i> for publique Service.....	001155
To J ⁿ <i>Kinborough</i> for his pension by Order of Asssembly for one yeare and halfe ending 20 th <i>May</i>	001620
To Coll ^o J ⁿ <i>West</i> for Corne dd the <i>Chickahominie</i> Indians by M ^r <i>Presidents</i> Order.....	001080
To <i>Geo: Wilson</i> for getting provision for the <i>Rapp^h</i> Indians and Quartering Coll ^o <i>Byrd</i> and his men.....	001122
To M ^r <i>Rich^d Littlepage</i> for a steer to the Indians by Order of M ^r <i>President</i> ..	000600
To W ^m <i>Overton</i> for 3 days on the Countries service.....	000081
To J ⁿ <i>Griffin</i> for goeing on severall Messages in the Countries service....	000183

To

To Geo: Jones for horfes Boats hands &c Imprest	000221
To J ⁿ Glen for his Mare three days in the Countries service	000048
To David Herd for his Boat and hands two days in Conveying a Messenger from the President to Cap ^t Story	000108
To Bryan Smith for Entertainm ^t of Messengers and other publique Services found due by the Com ^{tee}	001307
To J ⁿ Diggason for Carrieing a Letter to L ^t Story	000021
To James Turner for Carrieing provision to Mattapanie	001296
To Henry Marr for Quartering Coll ^o Byrd Cap ^t Armiger and 5 other Gentle- men who were Comanded into that Country by the Hono ^{ble} M ^r President	000432
To W ^m Walklett for a horfe Loft in the service	001080
To M ^{rs} Sara Clayborne for ferrying in the Countries service	001329
To Stephen Crump Smith for fixing of some of the Kings Arms by Order of Cap ^t ffoster	000540
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	£ 054447

The Clerkes of the Comittees

Viz^t

To M ^r Rob ^t Bradley	004320
To M ^r Lancelot Bathurst	004320
To Henry Randolph	005400
To M ^r Tho: Blayton	004320
To Edw ^d Harrison	002160
To M ^r W ^m Bolton formerly Clk of the Comittee of private Causes to Com- penstate his Charge in attendance	001080
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	021600

The Doore Keepers

To Lazarus Thomas	001620
To Joseph Preston	001620
To J ⁿ Hobson	001620
To Thomas Morris	001620
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	006480

Additionall allowances

To Edw ^d Sorrell more ordered	001500
To David Wickliff Interpreter	001450
To Tho: Osborne for a horfe	000850
To Cap ^t Armiger more for feveral services	002400
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	006200
To M ^{rs} Ann Macon for the Assembly Roome the two Chambers over it for the Clks office the Councill Chamber two Courts Candles &c	010600
To M ^r Henry Gawler for the p ^{re} sent Councill Chamber	002000
To Ditto for Entertaining Indians	000300
To D ^r Lee now made appeare for his horfe appraised at 1300	000300
To Lancelott Bathurst more	001080
To Thomas Blayton more	001080
To Joseph Preston for Extraordinary service	000540
To Edw ^d Rofs Drummer for halfe a yeares Sallary from the 15 th Aprill laft . .	001620
To W ^m Sherwood for a Chamber for the Committee of Greivances and other trouble of his house	002500
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	026220

To

To Coll ^o <i>Edw^d Hill</i> Speaker.....	11000
To L ^t Coll ^o <i>Milner</i> Clk of the Affembly.....	021600
	<hr/> 032600
To M ^r Secretary <i>Spencer</i> Attorney of his Exl ⁿ cy the Lord <i>Culpeper</i> for foe much paid to the foldiers at the heads of the Respective Rivers being. Cask.....	098000 007840
To M ^r <i>Edw^d Chilton</i> Clk of the Gen ^l Affembly.....	010800
To four Boats 1200 each w th Cask.....	005184
To Cap ^t <i>Brent</i> and his foldiers.....	006642
To Cap ^t <i>Armiger</i> Addition.....	004428
To <i>Hugh Owen</i>	001500
To Coll ^o <i>Lyddall</i> Cap ^t <i>Jfofter</i> and Cap ^t <i>Story</i> for themselves and Soldiers as O ^r Order.....	021600
	<hr/> 155994

There is found due to severall perfons by Act of Affembly for takeing
vpp Runawayes as followeth

In <i>New Kent</i> County.....	3200
In <i>Yorke</i> County.....	2200
In <i>Warwick</i> County.....	1200
In <i>Lower Norfolk</i>	1100
In <i>Nanfemond</i> County.....	0800
In <i>Elizabeth Citty</i> County.....	0500
In <i>Charles Citty</i> County.....	4400
In <i>Lancaster</i>	0400
In <i>Middlesex</i> County.....	0900
In <i>Accomack</i>	1400
In <i>Henrico</i>	1700
In <i>Rapp^h</i> County.....	0400
In <i>Westmer^{ld}</i>	1000
In <i>James Citty</i> County.....	2200
In <i>Gloucester</i> County.....	1300
	<hr/> 22700

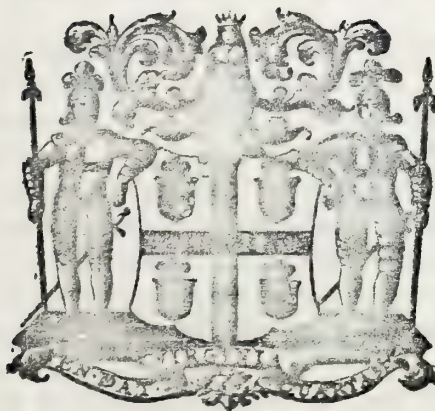
The sume of the whole charge of the country to this Affembly
am^t to the sume of 702423 of Tobacco Sallary Included
Test.

Tho Milner
C^t Affembly

ATT

JAMES CITY IN VIRGINIA.
THE
JOURNALL
OF THE
HOUSE OF BURGESSES

Wednesday October the 20th 1686.



RICHMOND, VIRGINIA.

MCMXIV.

Att James Citty in Virginia.

THE
JOURNALL
OF THE
HOUSE OF BURGESSES

Wednesday October the 20th 1686.

THIRTY one of the Members being met in the Affembly room the Writt for *Nantzemund* Countie is read.

They command the Clerke to acquaint his Excellencie of their being met together.

His Excellencie returnes his desires of their coming before him in the Courthouse.

They immediately go to wait on his Excellencie.

They return into the Affembly room & agree to meet to morrow morning nine a clocke.

Thursday October the 21st 1686.

ABOVE thirty of the Burgeffes met in the Affembly room of w^{ch} his Excellency is made acquainted by some of the Members who return & report, they have acquainted his Excellencie, that all the Burgeffes are met in Towne according to the Writts except three, and attend his Excellencies Comands, vpon which his Excellencie appoints the Choice of a Speaker, by such as are mett.

Major *Arthur Allen* is chofen Speaker by the Major Votes & takes the Chayre.

Coll. *Thomas Ballard*, M^r *C^r Robinson*, Coll. *Dan^l Jenifer*, Cap^t *John Smith*, M^r *Arthur Spicer* & Cap^t *ffrancis Page* are appointed by the house to acquaint his Excellencie, with their choyce of a Speaker, and request his leave for presentation of him to his Excellencie.

They return & report his Excellencies Answer is That in y^e afternoon, when the Drum beats (the house being met) he will give directions for such presentation.

The house adjourns to afternoone two a clocke.

Post meridiem

THE house mett.

Major *Sam^l Swann*, Cap^t *John Custis*, Coll. *Joⁿ Armistead*, Cap^t *Randolph* & Cap^t *Applewhite*, are sent by the house to acquaint his Excellencie, that the house are mett & wait his Comands.

They return & bring his Lord^{sh} Comands for the house to waite vpon him, and present their Speaker.

The house immediately attend his Excellencie, with their Speaker who is approved, and makes the vfuall petitions which are granted.

They returne into the house.

M^r

Mr Arthur Spicer, Cap^t W^m Wilson, Cap^t Isaac Foxcroft, Cap^t W^m Robinson, Major Styth & Mr Leer, are sent by the house to request his Excellencie, in the name of the house, for a Copie of his Excellencies Speech.

They return & acquaint the house with his Excellencies promise thereof.

A Committee appointed for Examination of the Returns of Writts for new Elections.

Mr C^t Robinson, Cap^t W^m Randall, Cap^t Joⁿ Custis and Cap^t Applewhite, are appointed the Committee.

Major Sam^l Swann, Cap^t Joⁿ Smith, Cap^t W^m Hardidge, Mr Richard Littlepage & Major Harwood, are appointed by the house to pray his Excellencie will assigne Councill to administer the Vsual oaths to the new elected Burgeses.

This House adjourns 'till nine a clocke to morrow morning.

ffryday. October the 22. 1686.

THE house mett & Called over.

The Report of the Committee appointed for Examination of the Returns of New Elections read & allowed.

Coll. Richard Lee & Coll. C^t Wormeley two of the Councill bring into the house the Copie of his Excellencies late speech, which was forthwith read.

Coll. Daniel Jenifer, Coll. John West, Coll. Lemuell Mason, Cap^t William Ball, and Cap^t Richard Whitaker & Cap^t Henry Batt are sent by the house to give his Excellencie, the thanks of this house for the favour of the Copie of his late speech, which this house will forthwith take into their most Serious consideration.

Gentlemen

I am glad to meet you here againe & the more because thereby you have an oportunitie by your better Compliance, to give an affurance that you are Sencible of those Errors were comitted at your last meeting, I cañot recommend to you a better method to do it then effectually to consider what I then propounded to you in my speeches, which through the same mistakes (that I may give them the gentlest tearms they will bear) were not answered, as expected, to them therefore I referre you, and shall only add, that for the better Settlement of his Majesties Militia of this Colony, I find it absolutely necessary that there be other & better measures prescribed then at present there are, That those who serve the King in that Station may not seem to do it by Courtesie, but by Command. And that you take it into your care, better to adjust the tare of *Virginia* hogheads, then the present law doth, it being so much for the ease of the Commissioners of his Majesties Customs in *England* and for your own advantage if duely considered And here I cañot omit to acquaint you, that the Law for the Imposition of three pence p gallon Vpon liquors is almost expired I am confident you are all so well satisfied of the ease of that duty, & the advantage from it, that you will thinke it requisite to augment it rather then to Suffer it to terminate.

I haue *Gentlemen* you See proposed but little new matter to you that we may make this a short & happy Session, which I hope I need not pers you to, when you consider, what I have now intimated, & likewise the great charge, which was brought & continued on the Country, by your last long ineffectual meeting, w^{ch} who was the occasion of, I dare refer it to your selves to be the judges.

Virginia fs.

By his Excellencie.

I doe hereby Nominate, Order & appoint the hon^{ble} Coll. John Page & Coll. John Leer, two of his Majesties Councill of State of this Colonie to administer the oathes of Allegiance & Supremacie, as likewise the oath of a Burges of this present Assembly. Given vnder my hand and the Seale of the Colonie this 22th day of *October* 1686.

Effingham.

Major Thomas Yowell, Cap^t Isaac Foxcroft, Mr Sam^l Hayward and Cap^t Francis Page, tooke the oathes of Allegiance & Supremacy, & y^e oath of a Burges which were administered

administred vnto them, by the hono^{ble} Coll. *John Page* & Coll. *John Leer* pursuant to the above written Comission.

A Committee appointed for Examination of Grievances & Propositions.

Coll. *Thomas Ballard* Chairman

Cap^t *John Custis*

M^r *William Wilson*.

Cap^t *John Smith*

M^r *C^r Robinson*

M^r *Arthur Spicer*.

Cap^t *Francis Page*.

M^r *William Hardidge*.

A Committee appointed for Examination of Publique Claims.

Coll. *Daniel Jenifer* Chairman.

Coll. *John Armistead*.

Major *Sam^l Swan*

Cap^t *William Randolph*.

M^r *Henry Heartwell*.

Maj^r *Jo^s Styth*.

ffryday the 29th of this instant *October* is appointed for the latest time of receiueing Propositions Grievances or publ. Claimes which the Clerke of this house is Ordered forthwith to make publike.

This house adjournes vntill two a clocke in the afternoone.

Post Meridiem

THE house Mett.

The book of proceedings at the last Meeting of Affembly reported to the house by the then Committee appointed for Examination of Grievances & Propositions, together with all other the proceedings & Reports of that Committee, are now committed to the Committee of Grievances & Propositions to Examine & Report.

The book of Proceedings at the last meeting of Affembly Reported to the house by the then Committee appointed for Examination of Publique Claims together with all other the proceedings & Reports of that Committee, are now committed to the Committee, appointed for Examination of Publique Claimes to examine & report.

His Excellencies late Speech is Comitted to the Committee for Examination of Grievances & Propositions.

This house adjournes vntill to morrow nine a clocke.

Saturday October the 23^d 1686.

THE Report of the Committee of Claimes relateing to M^r *Chiltons* Claim of twenty thousand pounds of tobacco & Caske, allowed to him the last Affembly held Anno. 1684. for transcribing feveral old Patents being read in the house.

Coll. *Lemuell Mason*, M^r *Thomas Leer* M^r *Mathew Kemp* and M^r *Richard Littlepage*, are appointed by the house to wait vpon the hono^{ble} Secretary & acquaint him with the said report and that this house doe pray his honor will please to direct that M^r *Chilton* doe forthwith comply with his obligation to the house in that affair.

The Journall of the last meeting of Affembly is Comitted to the Committee of Grievances & Propositions to inspect, and Report what shall be found needfull to this house, and that they forthwith proceed therein.

This house adjournes vntill two a clock in the afternoone.

Post Meridiem

THE house mett & adjourn vntill *Munday* morning nine a clocke.

Munday

Munday October the 25th 1686.

THE house met.

New Kent Counties Propositions, read in the house & Comitted to the Committee of Grievances & Propositions.

Surry Counties propositions read in the house and Comitted to the Committee of Grievances & propositions.

Resolv'd by the house that the Committee of Grievances and propositions doe take into their consideration the preparing a bill for a law for the Regulateing & lessening the Vnreasonable charge brought vpon the Country by Sherrifes &c Occasioned by Criminals & otherwaies and Report the same to this house.

The Report of the Committee for Grievances & Propositions being read in the house, is referr'd to be again read in the afternoone.

Resolu'd that the thanks of this house be given to M^r *Deuel Pead*, for the Sermon by him yesterday preached in the afternoon, & that M^r *Speaker* will please to doe it.

Resolu'd that the thanks of this house be given to M^r *Rowland Jones* for the Sermon by him yesterday preached in the forenoon & that M^r *Speaker* will please to doe it.

Post Meridiem

THE house met & called over.

The Consideration of the lawes relateing to Negroes are committed to the Committee of Grievances & propositions, to Examine and Report what additions or amendments are needfull to be made.

Vpon Reading the Report of the Committee of Grievances and propositions, relateing to the fee of 200^{lb} of tob^o for affixing the Seale.

Resolu'd by the house *Nemine Contradicente*. That an Addrefs be made to his Excellencie for takeing of the same, and that the Committee of Grievances & propositions doe prepare such addrefs, for the Consideration & allowance of the house.

Vpon a debate in the house about preparing a bill for Regulating abuses in makeing & packing tobaccos.

The Question, Shall the bill be drawn so as to limit a time after which no tobacco to be planted.

Resolved in the Affirmative.

The Question. Shall the time limited in Such byll be the last of *June* or tenth of *July*.

Resolu'd The last day of *June*.

The Petition of *Gawen Dunbarre* about a Negro Slave being slain in firing Guns at *Tindals* Point, read in the house and *Resolu'd*.

That the Country is no waies oblig'd to make Satisfaction in that case, and doe therefore eject the petition.

The Report of the Committee of Grievances & Propositions being read in the house, it is *Ordered*, that the severall Resolves of the house be entred in the Margin of the said Report.

The house adjournes vntill to morrow morning Nine a Clocke.

Tuesday October the 26th 1686.

THE house Mett.

The Gentlemen of the Committee of Grievances & Propositions makeing Report, that Coll. *Thomas Ballard* their Chairman being taken very lame, cañot possibly attend the Committee & desireing that some other Member of the house may be added to y^e Committee & Such other as the house shall thinke fitt, appointed *protempore* to fill the chayre, to the end the busines of the Committee may not Suffer delay

delay. M^r *Christop^r Robinson* is appointed by the house whilst Coll. *Ballard* continues absent, to take the chayre, And Coll. *Arthur Smith* is added to that Committee.

A Proposition from *New Kent Countie* about an Imposition on Certain Commodities, imported & exported was read in the house & committed to the Committee of Grievances and Propositions.

The Grievances of *Warwicke Countie*, read in the house & Comitted to the Committee of Grievances & Propositions.

This house adjournes vntill two a clocke in the afternoone.

Post meridiem

THE house mett.

The Grievances of *Northampton Countie*, read in the house & Comitted to the Committee of Grievances & Propositions.

The Grievances of *Stafford Countie* read in the house & Comitted to the Committee of Grievances & Propositions.

The Grievances of *Westmorland Countie*, read in the house and Comitted to the Committee of Grievances and propositions.

Resolu'd, that the Clerke of this house doe prepare the bill for disabling Countie Courts to make by lawes, with a provifoe that the Countie Courts may Notwithstanding haue power to lay the Countie Levy and bring the Same to be read in the house.

Resolu'd that the Clerke of this house doe prepare a bill against making Seconds & Slips, and planting tobaccos after the last day of *June*, and bring the same to be read in the house.

The house adjournes Vntill tomorrow nine a clocke.

Wednesday the 27th of October 1686.

THE house mett.

Cap^t *Ifaac foxcroft* Cap^t *Henry Applewhite*, Cap^t *W^m Ball* & M^r *Sam^l Hayward*, are appointed by the house with the first conveniencie so far to examine the transcribed booke of Patents brought into the house by M^r *Edward Chilton* with the Originals as they shall see cause for & to make report to this house.

Cap^t *David fox* & M^r *Henry Jenkins* are appointed by the house to enquire of M^r *George Mason* (now sick in Towne) whether his father provided a boat for the garrison in *Potomack River* and to make Report thereof.

They Report that he is ready to pay backe the tobacco, the boat not being provided by his father.

Coll. *Lemuel Mason*, M^r *Tho: Leer* Cap^t *Richard Whitaker* & Cap^t *Henry Jenkins* are appointed by this house to signifie to M^r Auditor *Bacon*, that this house doe desire & expect from his honor a perfect & full acco^t of the 3^d $\frac{2}{3}$ gallon vpon liquours with all convenient speed.

Coll. *Thomas Ballard*, Major *Sam^l Swanne* Cap^t *francis Page* and Cap^t *W^m Robinson* are appointed to draw up a charge against L^t Coll. *W^m fitzhugh*, in the name of this house, and report the Same with all possible conveniencie.

This house adjourns vntill to morrow nine a clock.

Thursday October the 28th 1686.

THE house met & adjourn vntill two a clocke in the afternoone.

Post Meridiem

THE house mett.

Coll. *Lemuel Mafon* &c bring into the house an acco^t from M^r *Auditor* of the 3^d ~~℥~~ gallon vpon Liquors.

A Bill prohibiting Countie Courts to make by Lawes read in the house and paft the first vote.

A bill entituled No Seconds or Ships &c. Read in the house and paft the first vote.

A bill repealing the 7th Act of Affembly made at *James City* the 16th day of *Aprill* 1684. Entituled, *An Act for the better defence of y^e Country* read in the house & paft the first Vote.

A byll Reftraining Negroes going armed, read in the house & paft the first Vote.

Cap^t *Ifaac ffoxcroft* &c Report that they have with M^r *Edward Chilton* examined what was needfull in the tranfcribed booke of Patents all except one paper & that M^r *Chilton* is ready to make oath to the truth of the tranfcription of the whole booke.

Major *Sam^l Swann* & Cap^t *ffrancis Page* are appointed to wait on the honorable M^r Secretary *Spencer*, & to acquaint him with an agrievance brought into this house, complaining that thirty five pounds of tobacco is charged by the Clerk of M^r *Secretaries* Office more then formerly for every patent. And that this house defires he will carefully enquire into the matter, & give his directions that for the future noe fees be charged from the Office, but what are allowed by the fetled lawes of this Country, and to Report M^r *Secretaries* Anfwer to this house.

Refolu'd by the house that the Complaint brought from *Stafford* Countie of haueing paid three Burgeffes this laft meeting of Affembly and the Record thereof, from that Countie makeing Mention of 4000^{lb} tob^s being Levied to L^t Coll *W^m ffitz-hugh* as a Burgefs be added to the charge made by this house againft the Said Coll. *ffitz-hugh* by the Gentlemen appointed to draw vp the faid Charge.

The letter from the Corniffioners of his Maj^{ty}s Customs to the Lord Treafurer being the Report on the Addrefs from this house, was fent to the house by his Excellencie read, & Ordered to be Entred into the journall.

May it Please your Lordship.

In Obedience to your Lord^{sh}s Comands fignified to to vs by M^r *Guy* the 23^d paft, vpon an Addrefs of the Affembly in *Virg^{nia}* touching the new Impofition on tobacco, we haue confidered the fame, & find there is no more therein then we haue before heard from the Merch^{ts} dealing in that Comoditie, and that the mifchiefs that befall the planters are rather from the abundant quantitie of tobacco, that's made, then from the impofition, And we humbly offer our Opinion as we did formerly in the cafe of Sugar that it is not advifeable to make and alteration of the Dueties as they now ftand vntill his Majestie fhall have had the experience of it at leaft a year.

All which is humbly Submitted to your Lordships confideration.

D. North

Ch. Chayne

Jo. Werden

W^m Dickinson

Tho: Chudley.

This house adjourns vntill to morrow two a clock afternoone.

ffryday Octob^r the 29th 1686.

Post Meridiem

THE house met.

M^r *C^r Robinson* &c Report to the house, that they had in Obedience to the Comands of the house attended his Excellencie, about directions for the maner how his Excellencies propofes the Settlement of the Militia, to which his Excellencie was pleased to make anfwer that this afternoon he would confider thereof, with the Councell and fend his propofals to the house.

the Inhabitants of this his Majesties Dominions to this time as gratioously confirmed, was both at its first grant & severall confirmations afterwards procured & purchased, at the proper charge & expence of this Country, & accordingly all along made vse of, as an authentique attestations to all their patents, grants &c without fee, reward or other impositions, vntill your Excellencie in *Aprill* Gen^l Court 1685. was pleas'd to declare & speedily after to fet forth your proclamation, comāding the payment of two hundred pounds of tobacco for affixing the same which publication of your Excellencies pleasure, as it has prevented severall from takeing out their Patents vnder the Seale, from y^e secretaries Office, and deterred many more from entring new seats of land, to the great prejudice of his Majesties Revenues in the quit rents, so it has caused all the inhabitants in generall, to present it as a great preffure, innovation & grievance to this Affembly, Wherefore the house of Burgeffes on behalfe of themselves & all the freeholders of this Country humbly supplicate your Excellencie, That the Rights, priviledge and benefit of the seale, may be continued to them as formerly without fee, your Excellencies proclamation about the same called in, & the whole imposition lately comāded forthwith taken of.

A bill prohibiting Countie Courts to make by lawes read & past y^e 2^d vote.

A bill entituled *no Seconds or Slips* read & past the 2^d vote.

A bill repealing the Act entituled, *an Act for better defence of the Country* read & past the second vote.

A bill Restraining Negroes going armed read the second time.

The Question. Shall the bill pass as it is or with amendments.

Resolu'd, that it be amended, & Major *Sam^l Swann*, Cap^t *John Custis* & Cap^t *Isaac ffoxcroft* are appointed by the house to bring the same with necessary amendments.

Major *Sam^l Swan* Reports from M^r *Secretary*, that in answer to the message from this house, he was pleas'd to say, that in the passed sumer as soon as he vnderstood that M^r *Chilton* had sent out such fees, he had comāded him to forbear any further demand of such fee, except in the Northward Necke, where the inhabitants for their securitie desire to have Record made of their Survey & Entry of Rights in his Office but if they so pleased to haue it, he would for them also for the time to come forbear the Recording such Survey & Rights & demanding such fee.

The Charge drawn vp against L^d Coll. *W^m ffitzhugh* read in the house & approued.

Coll. *Thomas Ballard*, Major *Sam^l Swann*, M^r *Arthur Spicer* Cap^t *W^m Randolph* & Cap^t *Isaac ffoxcroft* & Cap^t *ffrancis Page* are appointed by the house to manage the said Charge against Coll. *ffitzhugh*.

Resolu'd by the house that M^r *Martin Scarlet* & M^r *Sam^l Hayward* make answer to such Interrogatories as the Gentlemen appointed to manage the charge against Col. *ffitzhugh* shall put to them And the said Gentlemen are also empowered to interrogate what other persons they shall thinke fitt.

This house adjournes vntill to morrow morning Nine a clocke.

Saturday October the 30th 1686.

THE house mett.

A bill Restraining Stone horfes vnder fourteen hands high ruīng at large, read in the house the 2^d time & past the 2^d Vote.

A paper Entituled *Articles of charge against M^r Martin Scarlett* one of the Members of this house, coming referr'd from his Excellencie & the Councell being read, & the house obserueing the said paper not to come in the name of any person or persons whatsoever *Resolu'd* by the house that a message be sent to his Excellencie & the Councell requesting to know who it was that presented the same before them & obtained the said reference M^r *C^r Robinson*, Cap^t *Jo^s Custis*, M^r *W^m Hardidge* & M^r *Mathew Kemp* are appointed to goe on the said message.

The

The acco^t sent into this house by M^r Auditor Bacon of the imposition of 3^d [℥] gallon vpon Liquors not being thought full & perfect.

Coll. Lemuell Mafon, M^r Thomas Leer, Cap^t Richard Whitaker & Cap^t Henry Jenkins are appointed by the house to acquaint his honor that this house desires & expects a full cleer & perfect acc^t of the same from the beginning of the said Imposition to this time, as also an acco^t of the 2^d [℥] hh. & fort duties from the time his honor last gave acc^t thereof to this house.

The Committee of Grievances & Propositions are appointed by the house to prepare a byll for Townes & Report the same to the house.

Also to prepare the byll about Runawayes with the additionall clause according as they have reported, also all other bylls already reported by them & Resolu'd by the house.

A byll prohibiting Countie Courts to make by Lawes, read the third time & past the third vote.

A byll entituled *Noe Seconds nor Slips* read the third time & past the third vote.

A byll Repealing the Act Entituled *An Act for the better defence of the Country* read the 3^d time & past the 3^d vote.

This house adjourne vntill *Munday* ten a clocke.

Munday November the 1st 1686.

THE house mett & adjourn vntill nine a clocke tomorrow morning.

Tuesday November the 2^d 1686.

THE house Mett.

Coll. John Armistead, Coll. Lemuell Mafon, Coll. Arthur Smith, Coll. Joⁿ West, Cap^t Henry Applewhite & Major Thomas Yowell, are appointed by the house to carry to his Excellencie & the Councell those following bylls.

A byll prohibiting Countie Courts to make by lawes.

A byll declareing the 107. Act^r of Aff^r to be in force.

A byll Repealing the Act Entituled *An Act for the better defence of the Country*.

Also to present to his Excellencie those following Addreffes.

An Addres about the imposition of 200. lb of tobacco vpon y^e Seale.

An Addrefs about the quit rents.

An Addrefs about the Reviseall of the Lawes.

The byll Restraining horses ruñing at large Read in the house.

The Question. Shall the byll pass *interminis* [*in terminis*] or not.

Resolu'd in the affirmative & past the third vote.

The byll Restraining Negroes going armed brought into the house by Major Sam^l Swanne &c with the amendments read.

The Question. Shall it pass with the amendments or not.

Resolu'd in the Affirmatiue.

Coll. Armistead &c. return & report their deliury of the bylls & addreffes.

A byll about Runaway Servants read in y^e house & past y^e 1st vote.

A byll directing tares vpon tobacco hogheads, read in the house the first time & past the first vote.

A byll directing Court dayes in *Accomacke* Countie read & past the first vote.

A

¹ This is not clearly written in the original.

A byll declaring *Maryland* debts recoverable read & past y^e 1st vote.

A byll for advancement of manufactures of the growth of this Country, read in the house the first time & past the first vote.

The Address to his Excellencie Reported by the Committee of Grievances & propositions about Reviveing Lawes by proclamation, which stood Repealed by Act of Assembly, read in the house & allow'd.

Resolu'd that the same be entred vpon the journall & fairly transcribed to be sent to his Excellencie.

To his Excellencie Francis Lord Howard Baron of Effingham his Majesties L^t & Governor Gen^l of Virginia.

The house of Burgeesses now assembled, humbly Present.

That they willingly acknowledge his Majesties Authoritie in Repealing or declaring Voyd any of the lawes or Acts of Assembly made in this his Majesties Dominion of *Virginia*, not haueing the Royall Assent but cannot consent or allow that any Act of Assembly which hath been repealed by the same Authoritie, that gaue it being can be revived or reinforced so as to haue the force and strength of a law, by any Order or Proclamation whatsoever. And therefore this house cannot but looke vpon that part of your Excellencies proclamation of the 19th June 1684. whereby the 6th Act of Assembly made in the year 1680. Entituled, *An Act about Attornies fees* is declared to be by his Majesties Speciall Command revived & in the full fence & strength of an Act of Assembly, to haue proceeded from some mistake or misinformation, They being well assured of his Majesties gracious inclinations, declared by himselfe that he will maintaine the Established Government, and defend all his subjects in their just Rights & Liberties, wherefore this house doe in the name of themselves & all the Comons of this his Majesties Dominion of *Virginia*, humbly pray that your Excellencie will publicquely declare that part of your proclamation for Reviveing the said law to be Voyd, and that the said law stands Repealed by an Act of Assembly made at *James City Anno. 1683.* intituled *An Act Repealing the 6th Act of Assembly of June 1680, about Attorneys.*

The Address to his Excellencie Reported by the Committee of Grievances & Propositions about Licenceing Schoolmasters read in the house & allowed.

Resolu'd that the same be entred vpon the journall & fairly transcribed to be sent to his Excellencie.

To his Excellencie Francis Lord Howard Baron of Effingham his Majesties L^t & Governor Gen^l of Virginia.

The house of Burgeesses now assembled, humbly present.

That whereas your Excellencie has been pleased by your late precept to command that all Schoolmasters should make their personall appearance at *James City*, there to receive your Excellencies License & approbation to teach & that none Shall be admitted to that Office before they haue there taken out such a qualification and whereas this house doe too Sencibly vnderstand from their Respective Counties, that severall knowing skilfull Schoolmasters leave of their imploy because they are vnable out of such small allowance as they yearly haue to endure the charge they are now necessarily exposed to, for the procuring of their Licenses to teach. This house doe therefore in the Name of themselves and all the inhabitants of this Countrey, humbly pray that for the greater ease of such as are willing to employ themselves in so necessary an vndertakeing, your Excellencie would please to appoint in every Countie, some One of such person or persons as to your Excellencie shall seem most fit, for the due examination of them, & that such persons vpon their well approueing their Capacities, may likewise haue power from your Excellency to grant them a license for so moderate & reasonable a fee, as in the like cases is vsuall & Customary to be paid in *England*.

This house adjournes vntill two a clocke in the afternoone.

Post

Post Meridiem

THE house met.

Resolv'd by the house that a Copie of the Charge against L^t Coll. *ffitzhugh* be drawn fair & sent to his Excellencie & the Councell, & that M^r *C^r Robinson*, Cap^t *Jo^s Custis*, M^r *W^m Hardidge* & M^r *Mathew Kemp* doe wait vpon his Excellencie with the Same, and acquaint his Excellencie, that this house doe pray his Excellencie to assign a day for their prosecution of the said Charge against the f^d L^t Coll. *W^m ffitzhugh*.

The same Gentlemen are also appointed to acquaint his Excellency that this house doe request his Excellencie will please to call before him M^r *Edward Chilton* to make oath to the trueth of the transcript of the booke of Patents & to cause a Record to be made of such oath.

A byll for Townes, Ports &c read in the house & past y^e 1st vote.

This house adjournes vntill to morrow morning nine a clocke.

Wednesday November the 3^d 1686.

THE house mett.

A Byll restraining Negroes going armed read the 3^d time & ejected.

A Byll about runaway Servants read in y^e house & past the 2^d vote.

A Byll directing Court dayes in *Accom^t* read y^e 2^d time & past y^e 2^d vote.

A Byll declaring *Maryl^d* debts pleadable read & past the 2^d vote.

A Byll for advancem^t of manufactures read & past the 2^d vote.

A Byll directing tares vpon tobacco hogfhd^s read & past the 2^d Vote.

A Byll repealing the Act against Strikeing fish read & past y^e 1st Vote.

A Byll for Townes, Ports &c read in the house & past the 2^d vote.

This house adjournes vntill two a clocke afternoone.

Post Merid^m

THE house met & adjourns vntill to morrow nine a clock.

Thursday the 4th November 1686.

THE house met.

M^r *Speaker* reports to the house, that last night M^r *Ew^d Chilton* brought to him certain returnes in writeing, w^{ch} he said he was commanded by his Excellencie to deliver to him, and further that his Excellencie Said that he appointed *Saturday* forenoon, for the prosecution of the charge against Coll. *ffitzhugh* & expected the house should then be ready to attend it, and in answer to the question who it was that presented the paper entituled, *Articles of charge against M^r Martin Scarlet*, the same was presented by Coll. *ffitzhugh* and the reference thereof to the house of Burgeses was obtained by him. And that his Excellencie would some time this day send for the booke of transcriptions of Patents, see M^r *Chilton* make Oath thereto & cause a Record to be made thereof as this house desired.

To his Excellencie & the Councell

Vpon Reading feuerall bills transmitted from this house to his Excellencie & the Councell & the returns thereon made, this house obserueing the returnes & marginall notes thereon not to come in the vsuall man^r as heretofore, but in other words & stile,
and

and this house not well knowing from whom the Said Returns come, whether from his Excellencie & the Councell or from the Councell only & consequently in doubt how to resolve thereupon, doe therefore humbly pray your Excellencie & the Councell to Certifie to this house how they shall accept the said returns, whether from your Excellencie & the Councell together as an assent to the bylls or from the Councell by themselves as their Concurrence only.

Coll. *Daniell Jenifer*, Cap^t *Jo^s Custis*, M^r *Richard Littlepage* & M^r *Sam^l Hayward* are appointed to deliver this message to his Excellencie & the Councell.

Gentlemen

I haue rec^d your proposition relateing to the Reviseing the whole body of the lawes of this his Majesties Colonie of *Virg^{na}* w^{ch} I have formerly & now doe make it my great care, with all due circumspection to be revised, & for the more regular & better considering of the lawes, I sometime since appointed a select number of worthy & discreet Gentlemen of his Majesties Councell as a Committee to consider of all & every individuall law & laws of this Colonie, & to report the Same to me & the Councell in full Councell, as it is a worke of great consideration, so it takes a proportionable time for the well effecting of it. Its now in hand with, and a fair progress therein made, and shall make it my care, that it be thoroughly proceeded in, and when fully finished & fair transcribed, the House of Burgeses shall have knowledge of it.

By his Excellencies Command.

Nov. 3. 1686.

E. Chilton Cl. Gen. Ass^{mbly}

Vpon reading certaine propositions for methodiseing & forming the Militia. *Resolv'd* Vnanimously by the house, that the same cannot be put in practice, without bringing an insupportable charge upon the inhabitants of this Country.

A Byll Regulateing the Charge of Criminals read in the house and past the first vote. This house adjournes 'till two a clocke in the afternoone.

Post Meridiem

THE house met.

A byll Repealeing the Act restraining Strikeing ffish read & past y^e 2^d vote.

A byll directing Court dayes in *Accom^t* Countie read & past y^e 3^d vote.

A byll directing *Maryland* debts pleadable read & past y^e 3^d vote.

A byll for advancement of manufactures read & past y^e 3^d vote.

A byll about Runaway servants read & past the 3^d vote.

A byll directing tares vpon tobacco hogfheads read & past y^e 3^d vote.

A byll for Townes Ports &c Read in the house & past the 3^d vote.

Coll. *Jo^s West*, Major *Thomas Yowell*, M^r *Thomas Barber*, M^r *Leer*, M^r *Batts* & M^r *Anderfon* are appointed by this house to present to his Excellencie & the Councell these following bylls.

A byll Restraining Stone horse running at large.

A byll directing tares vpon tobacco hogfheads.

A byll about Runaway Servants.

A byll for advancement of manufactures.

A byll directing *Maryland* debts pleadable.

A byll directing Court dayes in *Accomacke* Countie.

Also to present to his Excellencie these following addreffes.

The Addres about Repealing Lawes by Proclamation.

The Addres about Schoolmaster's Licenses.

M^r *Chilton* brings into the house a written message, w^{ch} is read.

M^r Speaker & Gentlemen of the house of Burgeses.

His Excellency & the Councell this day receiued a written message from your house, saying, that you observed that Returns made to bylls remitted to your house, were not in the vsuall manner as heretofore, but in other words & stile, & desired to be satisfied from

from whom the said Returns came, whether from his Excellencie and Councell conjoynd, or from his Excellency & the Councell distinct; In which that you may receive full satisfaction, his Excellencie doth declare himselfe a distinct body from the Councell, and that you may please to accept those returns to your bylls solely from the Councell. This Method his Excellencie hopes may give an easy dispatch to busines, and remove all doubts of mistakes, being as near as possible our Circumstances will admit us to come to that great body of the Kingdom of *England*.

That answer returned unto your house by his Excellencie relateing to the Reviseall of the Lawes was Signed by his Excellencies Command & not by his Excellencie for if it had been otherwaies, it would have been a diminution to the great Comission his Excellencie beares, for his Excellencie to haue signed to an Answer to your House in return to a Paper signed only by the Clerke of your house and not by your Speaker.

Novemb^r the 4th 1686.

E. Chilton C Gen^l Aff^{mbly}

This house adjournes vntill to morrow morning nine a clocke.

ffryday Novemb^r the 5th 1686

THE house met.

Coll: *West* &c. Report to the house the delivery of the severall bylls and addressees by them sent.

This house adjourns vntill two a clocke afternoone.

Post Meridiem

THE house mett.

Mr C^r Robinson, *Cap^t W^m Hardidge*, *Cap^t Joⁿ Smith*, & *Cap^t Joⁿ Custis* are appointed by the house to waite vpon the hono^{ble} Councell & to acquaint them, that this house desires a conference with them by some of their Members, whom they shall appoint about the Returns by them made vpon Severall bylls for lawes fully voted in this house and that they will please to appoint the time & place for such conference.

The Report of the Committee of Claims read & recomitted.

This house adjourns vntill tomorrow morning nine a clocke.

Saturday November the 6th 1686.

THE house met.

A byll Regulateing the charge of Criminals read in the house & past the second vote.

A byll Repealing the Act Restraining Strikeing ffish past y^e 3^d vote.

Coll. *Danⁱ Jenifer*, Coll. *Joⁿ Armistead*, *Mr Henry Heartwell*, and Major *Joⁿ Styth* are appointed by the house to present to his Excellencie & the Councell the Reports of the Committee of Claims for the years 1685 and 1686.

This house adjourns vntill *Munday* morning ten a clocke.

Munday the 8th Novemb^r 1686.

THE house met.

A Byll Regulateing the Charge of Criminals read & past y^e 3^d vote

November the 8th 1686

By his Excellencie.

M^r Speaker & Gentlemen

As to your Address concerning the quit Rents, I answered it at your last meeting so fully, that I thought there had been no room for a Second motion, I am sure no reason
for

for it, since I then informed you, It was his Majesties perticular Comānd to me, & what you are obliged to by the Condition of your patents, which makes me wonder the more at this your addrefs, & the more still, becaufe I then conceded, through the difficulty of paying them in Specie, that they should be paid in tobacco at one peny $\frac{3}{4}$ pound, w^{ch} is not neer now *ad valorem*, as you your Selves very well know, and still the less reason you have to be dissatisfied, becaufe that his Majestie hath not only been pleased to pardon my Concession to you at that time but for the future by my intercession, to allow that that method shall be admitted of, neither doth his Majesties favor stop there, but hath been gratioſly pleased out of his Royall bounty to Order the produce of his Quit rents to be deposited here for the advantage of this his Majesties Dominion, as his Majestie shall be pleased from time to time to direct, & so consequently will circulate for your Seuerall benefits.

Signed by his Excellencies Comānd.

E Chilton C. Gen^l Ass^{mbly}

November the 8th 1686

By his Excellencie.

M^r Speaker and Gentlemen.

I haue rec^d from you an Addrefs relateing to Schoolmasters in that as in all other matters, I shall give you all reasonable satisfaction and therefore am to tell you, that what Comānds to me I have giuen therein are purſueant to his Majesties Speciall Comānds to me, as by the Instruction herewith sent vnto you, you may obſerve, in which not being so forward, as it was expected I should haue been, my memory was therein refreshed by the Lord Bishop of *London*, and as I am Comānded to haue it performed, so I am desirous to have it done with as much ease & encouragement to the inhabitants, as possible may be and as testimonies thereof I will direct, that Examination shall be taken of the fitness & abilities of persons presented for Schoolmasters by the next of his Majesties Councell of this Colonie, & vpon his approueing of the persons they shall be accordingly lycenced for Schoolmasters, with whom I shall cause to be left blanke lycenses vnder my hand & seale to be filled up with the name & names of such person & persons approued of, for which shall be required no more then a Small fee to my Clerke for the writeing the same. Signed

By his Excellencies Comānd.

E Chilton C Gen^l Ass^{mbly}

His Majesties twenty Seauenth Instruction.

And we doe farther direct, that noe Schoolmaster be henceforward permitted to come from *England* & to keep School within our Colonie of *Virginia* without the Lycense of the s^d Bishop, and that noe other person now there, or that shall come from other parts be admitted to keep school without your licence first had.

Cop. Ver.

Effingham

Vpon Reading the returnes Sent from the Councell, relateing to the Report of the Comittee of Claimes, whereby the Councell propose, that Cap^t *Duke's* Claim may be allowed proportionable to Cap^t *Heartwells* allowance or Cap^t *Heartwells* Claim reduced proportionable to Cap^t *Dukes*.

Resolu'd, that Cap^t *Heartwells* Claim be reduced proportionable to Cap^t *Dukes* and in order thereto Cap^t *Heartwells* claim is recommitted to the Comittee of publick Claimes to examine anew, and Regulate the same as the Law directs.

M^r *C^r Robinson*, Coll. *Danⁱ Jenifer* Major *Samⁱ Swanne*, Cap^t *W^m Randolph*, Coll. *Joⁿ Armistead*, Cap^t *Joⁿ Smith* Cap^t *ffrancis Page* & Cap^t *Joⁿ Custis* are appointed to manage the conference with the hono^{ble} Councell about the returnes by them made vpon feuerall bylls for lawes.

M^r *Wilson* & M^r *Barber* are appointed to acquaint the hono^{ble} Councell therewith.

This house adjournes vntill two a clocke afternoone.

Post

Post Meridiem

THE house mett.

Coll. *Arthur Smith*, Major *Harwood*, M^r *Kemp*, & M^r *Hayward* are appointed to carry those Seuerall bills to his Excellencie & y^e Councell.

The byll for Townes.

The byll about Criminals charges.

The byll about Strikeing ffish.

This house adjournes vntil tomorrow nine a clocke.

Tuesday November the 9th 1686.

THE house met.

Resolu'd, by this house that the Committee of Claims do enter upon & examine all Sherrifs acco^{ts} brought either to this or the last meeting of Assembly, and that they regulate the same according to law, and make report thereof to this house.

In answer to the Returns made by the hon^{ble} Councell to y^e Report made by the Committee of Claims. As to the Claim made by Coll. *Isaac Allerton* Sherrif of *Westmorland* County for 748 lb. tob^a it being a charge occasioned by the escape of Coll. *Talbot* from his imprisonment this house conceiues the publique noe waies lieable to pay the same and doe therefore pray your hono^{rs} will allow the Report of the Committee in that article as this house already haue done.

To the Claim made by the Sherrif of *Westmorland* Countie for 1800 pounds of tobacco & Caske for an horse lost being imprest for the conveying of an Evidence against *Peter Rely*, this house doe further inform your Hono^{rs} that the Law prescribes what satisfaction in such cases Evidences are to haue from the publique which is already in the said Report allowed to those Evidences against the said *Rely* and consequently nothing due from the Country for the loss of such horse, and doe therefore pray your hono^{rs} will allow the Report of the Committee in that article also as this house haue already done.

To the Claim of Cap^t *Duke* this house haue resolu'd that Cap^t *Heartwells* claim be reduced proportionable to Cap^t *Dukes* & in Order thereto haue recomitted Cap^t *Heartwells* Claim to be examined anew and regulated accordingly.

To the Claim of M^r *Edward Chilton* for Extraordinary Service performed as Clerke of the Secretaries Office, this house considering well the Report of the Committee in that case, and the Resolue of the house thereupon doe conceive that 5000. lb of tobacco & Caske is a sufficient Reward for such services, and doe therefore pray your hono^{rs} will allow the Report of the Committee in that Article as this house haue already done.

To the Claim made by Coll. *Lyddal* of of *New Kent* Countie, this house take leaue to informe your hono^{rs} that at an Assembly held Anno. 1684. the said Coll. *Liddall* was allow'd a reward for his service in an Article of allowance of 20000 h^a of tobacco to himself & others for Services done in 1683. Notwithstanding this house conceiues the publique noewaies chargeable for such his Service, the Law prescribing such charge to be born by each perticular Countie where it happens, which other Counties in like case haue by this house been adjudg'd to doe.

Resolu'd, that a byll be drawne for the continuation of the impost upon Liquors & Reported to this house, And that M^r *C^r Robinson* M^r *Arthur Spicer*, Cap^t *Jo^a Smith* & Cap^t *Francis Page* are appointed to draw the byll.

Also a byll for Raifeing a Levie to discharge the publique debts.

Cap^t *Jo^a Custis* Cap^t *W^m Hardidge*, Cap^t *W^m Robinson* & M^r *Brassier* are appointed to acquaint his Excellencie, that this house make it their humble Suite, his Excellencie will please to make his returnes to this house how he is pleas'd to answer their humble addreffes

addressees w^{ch} lie before him. They are also to deliver this houses answer to the hono^{ble} Councill about their returns vpon the report of the Committee of the Committee of Claimes.

Vpon Reading the Petition of *Robert Wilfon Drummer*. The Question shall this house award him pay for beating the drum to the Gen^l Courts or not.

Resolu'd in the Affirmative and that he be paid 2000. lb of tobacco & Caske for that service.

Vpon the Reading the Petition of *Robert Wilfon Drummer* for his allowance for beating the drum to *Aprill & October* Gen^l Courts last past, this house well weighing & considering their proceedings at their last meeting find the drummer that then attended discharg'd from that imployment w^{ch} a resolution to avoid that charge for the future & haue accordingly at this meeting proceeded without any such Officer. Yet nevertheles the said *Wilfon* being comanded by his Excellencie to beat at the aforefaid Gen^l Courts this house are willing to allow him for the said service 2000 ^{lb} of tob^o but declare it to be noe publique charge and doe Resolue for the future to make noe such allowance.

The byll Regulateing the charge of Criminals with the Returne of the Councill upon the Same, being read, the same is preferr'd to be again Read & considered of by the next Affembly.

This house adjourns vntill to morrow morning nine a clocke.

Wednesday November the 10th 1686.

THE house Mett.

Mr *C^r Robinson*, Mr *Arthur Spicer*, Cap^t *John Smith* & Cap^t *francis Page* are appointed to acquaint Mr Auditor *Bacon*, That this house desires he will for the time to come require from the seuerall Collecto^{rs} of the imposition of 3^d gallon vpon liquors a perticular acco^t of the time of Entry of such Liquors, the name of the Shipp, Masters name and Owner of the said Liquors imported to the end such acco^t may also be rendered to this house.

A byll directing how Publique Claimes shall come, read in the house and past the first vote.

A byll continueing the imposition vpon liquors read y^e 1st time.

A byll for raising a publique levie read the first time & past y^e 1st vote.

This house adjournes vntill two a clock in the afternoone

Post Meridiem

THE house mett.

The amendments to the byll about Seconds & Slips read in the house and allowed & ordered to be put in the fair engrosment.

His Excellencies Returne to the Address about the Seale read in the house and ordered to be entered upon the journall.

By his Excellencie.

Mr Speaker & Gentlemen.

I haue receiued from your house this meeting Seuerall Addressees to all which I haue made as gentle & full returns, as their nature admitted & required & such as I hope, have been agreeable to all Interests, & by a right vnderstanding remoued all rubs & difficulties, and so make the way plain & easy to an happy conclusion, this you receiue in answer to your addres relateing to the small fee appointed to be paid for all Instru-ments passing vnder the Seale, w^{ch} is presidentiall in all parts of the Kings Dominions & here only differenced in the meanness of the fee, to what is paid in all other parts of his Majesties Plantations, and whereas you moue, it hath not been required before the time of my Government, none of my hono^{ble} Predecessors had the like reason of demanding
it,

it as I by Comission haue, vnles the R^t hon^{ble} the Lord *Culpeper*, who did not continue actually here in his Gouvernement above six weekes after the arrivall of his Lord^{sh} last Comission, directing & empowering his Lord^{sh} as my Comission doth me to keep & use the Seale, and as it was a new direction, so it cañot be Supposed, his Maj^{ty} would impose that Service on his Governor Gen^l of this his Dominion, of keeping and vsing the Seale, but upon a suitable consideration, in some sort answerable to the dignity of his Majesties Seale, w^{ch} is made so easy that in no part would be excepted against, especially considering how Authentique it makes all Instruments, to which it is affixed, and if Lands to be patented cañot bear the addition of so small and necessary a fee to make them good in law, they cañot be worth the Sealing, and as his Majesty hath been pleas'd to appropriate to the office of Governor the keeping & using the Seale. So neither can it be reasonably expected, I should neglectfully pass by the moderate profits of that part of my place of Governor & otherwife then what shall be moderate & just, I will neuer offer it, this therefore being my due, am not to recede from.

November 9th 1686.

By his Excellencies Comand

E. Chilton C Gen^l Assembly.

M^r C^r Robinson, *M^r Arthur Spicer*, *Cap^t John Smith*, *Cap^t Francis Page* Coll. *Arthur Smith* & *Major Sam^l Swanne*, are appointed to prepare an Answer to his Excellencies return to the Addres about y^e fee put vpon the Seale & report the Same to the house.

His Excellencies Return to the Addres about the Reviveing Repealed Lawes by Proclamation, read in the house.

By his Excellencie

M^r Speaker & Gent

By a twelue moneths consideration I did not doubt but should haue found you truly sensible of that great mistake, in endeavouring to Struggle with the prerogative, but instead of expressing your fence thereof, by calmness of Spirits, I haue lately received from you an Addres of that nature, that with grief of spirit, I tell you Nothing can be more afflicting unto me, then to find, his Mg^{ty} Subjects of this his Dominion, immediately after their expressing so much loyalty, as they did to his Maj^{ty} upon his accession to his Imperiall Crown, to question the bounds of Prerogative & especially in so vnfit expressions, as to say, you can neither consent nor allow that any Act of Assembly repealed by the Same Authoritie w^{ch} gaue it being, can be revived or reinforced by Proclamation, In it you ought to have well considered under what different Circumstances his Majesties Subjects of his Plantations are to those of his home Subjects of his great Kingdom of *England*, & how that we are to be Governed from time to time by his Majesties Instructions, & that his Majesty hath referued to himselfe the Prerogative Right of Repealing Lawes by Proclamation, which though you do seem to grant, yet it is with such Reserves, that it is no other Right of the Prerogative, then as you thinke fit to grant, Since you will suffer your judgements to be so mislead, out of tendernefs vnto you, I will make it my part to undeceive your judgements & tell you, that as his Majestie out of his Royall Goodnes unto the Inhabitants of this his Plantation has been gratioously pleased to grant a power unto his Gen^l Assembly to make Lawes, so it is with this restriction that they shall be under his good pleasure either to be continued or repealed by his Proclamation, and as this must not be denied to be the Right of the Royall Authoritie, so now to speake directly to your case; If a Law be made by the Gen^l Assembly, and that hath the force of a law, vntill his Majesty sayes it shall not be a law and if his Majestie hath not thought fit to disallow of any such law made, but that a succeeding Assembly shall find necessary by a law to repeale such law formerly made, & upon the presenting the law repealing to his Majestie, his Maj^{ty} shall please to command the repealing law to be made void, that must be allowed to be no Law, and thereby to haue no other force, then if it had neuer been a law, then by consequence the King signifies the first law made to stand in force, he haueing declared his pleasure that he allowes it to be a law, because he hath thought fit to Repeale the repealing Law.

And

And *Gentlemen* to Speake of the laft part of your Addrefs, wherein you fay that you looke upon that part of the proclamation to haue proceeded from Some miftake or mif-information, I muft in it tell you and that in as gentle termes, as the matter will bear, the miftake is in you, for the Proclamation is purfueant to his Majesties Comands to me, to which by all Loyall duty I am bound, & from which I will never fwerue, therefore for you to aske of me to declare that part of the Proclamation void, is to aske of me to be difloyall, difobedient & vnfaithfull in the performance of that great Trust his Majestie has been gratioufly pleas'd to intruft me with, in which I am Refolued to be faithfully dutifull & Constantly loyall, Be you foe & fteddily apply your Selves to the bufines, for which we are met that we may make this an happy Seflion.

Novembr 9th 1686.

By his Excellencies Comand

E. Chilton C Gen^l Aff^{mbly}

This houle adjourns vntill tomorrow morning nine a clocke.

Thursday November the 11th 1686.

THE houle met.

Mr Chilton brings a meffage that his Excellencie defires *Mr Speaker* and the houle to attend him forthwith at *Mr Sherwoods* great room.

The houle Send to call in the Comittees in Order to attend his Exc^v

Comands

Mr Speaker and the houle go to wait upon his Excellencie.

They return & *Mr Speaker* takes the Chayre & reports the heads of his Lordships Speech. *viz.*

That his Excellency declares his admiration that he hath not rec^d any acco^t of a byll for the continuation of the law, impofeing a duety on liquors &c & w^{ch} would be fo beneficiall in general, and yet injurious to no one in perticular, as alfo that he had not rec^d any anfwer or returne to the propofition about forming the Militia of this his Majesties Dominion, both which he now recomended to our efpeciall confideration, and his Excellencie was likewife pleased farther to acquaint us that he had lately receiued his Majesties Royall Comands (which he then comunicated to us) for the repealeing the Act of Affembly allowing the payment of his Majesties quitt rents in tob^o at 2^d p^r h^o & left it to our confideration whether 'twould be moft convenient or fatisfactory to us to haue the faid law repealed by proclamation or by a law to be by this prefent Gen^l Affembly made for that purpofe.

The Refolue of the houle made the 4th instant about the propofitions for methodizing & forming the Militia is again read.

Coll. Ballard, *Coll. Mafon*, *Mr Hardidge* & *Mr Applewhite* are appointed by the houle to inſpect the lawes already made relateing to the Militia & to confider of & prepare an anfwer about the propofitions for methodizing & formeing the Militia ſent to this houle, & make report thereof.

Cap^t W^m Randolph & *Mr Richard Littlepage* are added to this Comitteee.

By the houle of Burgeffes.

May it Pleaſe your Excellencie. This houle haueing in confideration your Excellencies late return to their humble addres relateing to the Reviveing Repealed Lawes by proclamation, doe therein obſerve & take notice that your Excellencie declares that that proclamation is purfueant to his Maj^{ty} Comands to your Excellencie, to which to the end they may as their duty is giue all ready humble & due obedience, they moſt humbly pray your Excellencie will pleaſe to tranſmit to them in writeing that part of his Maj^{ty} Comands and inſtructions.

Reſolv'd by the houle that *Mr Speaker* Signe the aboue addrefs to his Excellencie & that *Coll. Weſt*, *Major Yowell*, *Major Harwood* & *Cap^t Ball* are appointed to preſent the ſame to his Excellencie.

A Bill directing how Publique Claims Shall come past the 2^d vote.

The Gentlemen of the Committee of Claims are appointed to carry to the hono^{ble} Councell, these following engroft bylls. viz.

A byll about Runawayes.

A byll declareing *Maryland & North Carolina* debts pleadable.

A byll revieueing the Act about Manufactures &c

A byll repealing the Act about Strikeing ffish &c

A byll ascertaining dayes for Courts in *Accom^{ish}* Countie.

A byll directing y^e tares of tobacco hogfheads.

A byll about Seconds & Slips.

A byll for y^e improueing the breed of horfes.

A byll for repealing the Act Entituled *An Act for y^e better defence of the Country.*

And to request their Hono^{rs} they will please forthwith to transmit the same to his Excellencie for his assent.

This house adjourns 'till two a clocke afternoone.

Post meridiem

THE house mett.

His Majesties letter about the Quit rents read in the house.

Resolv'd that the same be committed to the Committee appointed to prepare an Answer to his Excellencies returne to the address about the Seale, or any three of them, and that they doe prepare a byll for repealing the Act about payment of Quit rents, according to his Maj^{ties} Comands in the said letter & Report the Same to this house.

M^r C^r Robinson &c Report the Reply prepared in answer to his Excellencies returne to the address about the fee put upon the Seale w^{ch} is approued by the house & Coll. Jo^{se} Armistead, M^r Henry Heartwell, Cap^t Jo^{se} Custis, Cap^t W^m Randolph, M^r Thomas Leer & M^r W^m Wilson are appointed to present the same.

By the Councell

M^r Speaker & Gentlemen.

We haue diligently considered your Returnes made to ours vpon the Report of your Committee of Claims, and much wonder to see your backwardness in disallowing so many just dues, but in none so much as that of the Clerke of the Secretaries Office, who to all your knowledges is indefatigable in takeing paines for the Countries Service, for which he receiues not the least reward, but what he may reasonably expect from your house, his Services haue been great, his Claim most moderate, and the greatest part thereof for the prosecution of Criminals, w^{ch} by a law of your own making ought to be paid, & if not preferred, yet at the least ought to be equally allowed with Sherrifs claimes, who mostly claim by Custom. We desire that his Claim may this time be allowed, or at the least have an equall allowance with the last year, which if granted, we are content that the vote passed by your house for the annuall allowance of fve thousand pounds of tob^o & Caske to the Clerke of the Secretaries Office futuramente take place.

Nov^r 11th 1686.

Nathaniell Bacon.

Resolv'd, that M^r Edward Chilton vpon the desire of the Councell be paid 9196^{lb} tob^o being the equall sum Ordered him by the house last meeting of Assembly.

Cap^t Custis, M^r Barber, M^r Kemp & Cap^t Batts are appointed to present the engroft bylls to the hono^{ble} Councell, & request they will with all possible conveniencie present them to his Excellencie for his Assent.

This house adjourns vntill to morrow nine a clocke.

ffryday

1 The amount voted was 9196 pounds of tobacco, of course, and not hogfheads, as is given in the copy.

ffryday. Novemb^r the 12^o 1686.

THE house mett.

A byll Repealing the Act of Assembly, Entituled *Quit Rents how to be paid*, read in the house the first time & put to the Question.

Shall the Bill pass or be ejected.

Resolv'd, that the byll be ejected.

M^r *Chilton* brings into the house the engroft bylls agreed to by the Councell who were desired by the house to present the Same to his Excellencie for his assent, and declares to the house that the Councell Comanded him to acquaint this house that the last night they presented the same to his Excellencie, and that he was pleased to answer that he was willing to pass all such bills, as were agreed to by the Councell, whensoever the house of Burgeesses should desire it, but vntill they came to be fully past, he would not giue any perticular assent.

May it please your Excellencie.

This house having lately addrest your Excellencie, that you will please to favour them with a Copie in writeing of that part of his Majesties Instructions to your Excellencie relating to the Reviving Repealed Lawes, And also about the fee your Excellencie hath been pleas'd to put vpon the Seale, doe most humbly pray your Excellencie will please to favour them with your answer to those their addressees.

M^r *C^r Robinson*, Cap^t *ffrancis Page*, Cap^t *Jenkins* and Cap^t *Ball* are appointed to carry this message. Also to returne his Majesties letter about the Quit rents to his Excellencie.

This house adjourns vntill two a clocke in the afternoone.

Post Merid^m

THE house Mett.

M^r Speaker and Gentlemen.

His Majesties Instructions repealing the repealed law about Attornies which you desire a sight of, was an Instruction to me from his late Majestie of euer blessed memory, and not foreseeing any occasion, that I should haue of it, I left it at home, otherwise would haue satisfied your desires in that, But I hope, you do not thinke that I would haue aduentured vpon so high a point of the Prerogative as to haue Repealed a law by proclamation, if I had not been commanded by his Majesty so to do.

November. 12th 1686.

Effingham.

M^r Speaker & Gentlemen

As to your addres concerning the small fee on the Seale, I must still inform you, that you are mistaken in your apprehension of it, for it is not laid or imposed as a duty as you term it, but by an Order of y^e Court of Chancery, that whoeuer will haue the advantage that any Patent or Instrument be authenticated vnder his Majesties Seale shall render such an acknowledgement, in honor to it, It is in the power of all Courts to make Rules binding to themselves, when it doth not oblige others without their voluntary compliance, This being noe otherwise, and so a iust perquisite of my Govern^{mt} I shall not recede from it, with which answer I desire you to rest satisfied & proceed to affaires of greater moment, that we may speedily end this Sessions.

November. 12th 1686.

Effingham

Resolv'd that his Excellencie be again addrest for the takeing of the fee put vpon the Seale, and that M^r *C^r Robinson*, Coll. *Joⁿ Armistead*, Major *Sam^l Swanns*, Cap^t *Joⁿ Smith* & Cap^t *John Custis* doe prepare such addres and report the same to the house.

A Byll directing publike Claimes read the 3^d time & recomitted to Coll. *Jenifer*, M^r *Heartwell*, Cap^t *Randolph* & Major *Styth* to make necessary amendments therein & report the Same to the house.

A Byll continueing the imposition vpon Liquors read & past the 2^d vote.

A Byll for raifeing a publique levie read & paff the 2^d vote.

Vpon Reading the former Refolve of this houfe about the propofitions fent to this houfe for methodifcing & formeing the Militia.

Refolu'd, that there be added to the fame, that this houfe conceive the lawes already made doe Sufficiently provide according to the abilitie of this Country for the Safety thereof, and for forming and methodizeing the Militia this houfe conceiue it properly belongs to his Excellencie as his Maj^{ty} L^t & Governor Gen^l of this his Majefties Dominion of *Virginia*.

Coll. *Smith*, Cap^t *Robinson*, M^r *Wilfon* & Cap^t *Whitaker* are appointed to acquaint his Excellencie that this houfe requests his Excellencie will please tomorrow in the forenoon to pafs Such bills as are already fully voted in this houfe & agreed to by the hono^{ble} Councell.

This houfe adjourns vntill to morrow morning nine a clocke.

Saturday the 13th November. 1686.

THE houfe mett.

Refolu'd, that there be eight thoufand pounds of tobacco & Caske levied this prefent year to the Ufe of M^r *Edw^d Chilton* for & in confideration of the tranfcribing two bookes of old Records now brought into y^e houfe and that the Same lie in depofito, vntill the f^d M^r *Chilton* haue Alphabetted, examined & compared the Same with the Originals and authenticated them by makeing Oath to their agreem^t with the Originals before Some one of the hono^{ble} Councell, Vpon whole Certificate that the fame is fo done, the party in whole hands the f^d Sum is depofited is to make payment thereof to the faid *Edward Chilton*.

A byll directing publique Claims with the amendments read & paff the 3^d Vote.

M^r *Chilton* comes & acquaints the houfe that his Excellencie is ready in y^e Court houfe to pafs Such bylls as are ready & haue been agreed to by the Councell.

M^r *Speaker* & the houfe goe to attend his Excellencie with the feuerall bylls agreed to by the Councell, w^{ch} are ready & figned by his Excellency & M^r *Speaker* from one to nine.

They return into the houfe & M^r *Speaker* takes the Chayre.

Novemb^r 13. 1686.

M^r *Speaker* & Gentlemen.

Vpon a ferious Confideration of the Report of your Committee of Claims we find you referr'd his Excellencies, Coll. *Birds* & M^r *Jennings* Claims relateing to the *New Yorke* voyage to the further Confideration of your houfe, as yet we haue had no farther advice, what you have done therein, we therefore defire to be fatisfied in that.

At our laft meeting there was a Petition prefented by Cap^t *Brent* to y^e Gen^l Affembly wherein he defired for the encouragement of his feating and building a Town at the head of *Potomack* River thofe perfons that would adventure there to habit might be exempted from payment of publique Levies, for fome few years, w^{ch} was recommended by vs, & approved on by you, we therefore thinke fit that the Same be now confirmed, there being fo fair a progreff made vpon it that vndoubtedly will contribute to the Gen^l advantage & fecuritie of the whole Colony.

By Comand of the Councell.

E. Chilton C. Gen^l Aff^{mbly}.

Refolu'd, that the Seuerall Claims for difburfements on the *New Yorke* Voyage viz.

By his Excellencie.....£ 93 .. 05 .. 01
By Coll. *Bird*.....£168 .. 14 .. 10 ½

By M^r *Edmund Jennings*.....£ 35 .. 04 .. 00

To: *Richard Yarborough* as Interpreter.....£ 20 .. 00 .. 00

To: Cap^t *Isaac* for hyre of his Veffel.....£150 .. 00 .. 00

Be paid by M^r *Auditor* out of the impoft of three pence ꝑ gallon according as was refolu'd the laft meeting of Affembly.

This houfe adjourns vntill two a clocke afternoone.

Post

Post Meridiem

THE house mett. M^r *Speaker* leaues the chayre, and the house resolues into a Grand Committee, Coll. *Danⁱ Jenifer* is put in the Chayre.

M^r *Speaker* takes the Chayre. Coll. *Jenifer* Reports That M^r *Speaker* be presented with ten thousand pounds of tob^o & Caske.

The Clerke of the Assembly twenty thousand pounds of tob^o & Caske.

The Clerke of the Genⁱ Assembly ten thousand pounds of tob^o & Caske.

Resolu'd, that *Barnabas Watfon* be continued keeper of the Assembly & Genⁱ Court roomes & that he be allowed for the same annually one thousand pounds of tobacco & Caske.

Coll. *Jenifer*, M^r *Heartwell*, M^r *Randolph* & Maj^r *Styth* are appointed to present the Reports of the Committee of Claimes to y^e hon^{ble} Councill.

This house adjourns vntill morning Nine a clocke.

Munday the 15th November 1686.

THE house mett.

The byll continueing the Imposition upon Liquors Read & past y^e 3^d vote.

Cap^t *Randolph* & Cap^t *Jenkins* are appointed to carry the byll about publicke Claimes & byll continueing the imposition vpon liquors to the hono^{ble} Councill & pray their concurrence.

This house adjournes vntill to morrow morning nine a clocke.

Tuesday the 16th Novemb^r 1686.

THE house mett.

Resolu'd, that M^r W^m *Sherwood* be paid by M^r *Auditor* out of the impoft of 3^d p gallon twenty five pounds *Sterl* for the use of his great Hall, back room on the Same floor & Cellar &c according to agreem^t made the last meeting of Assembly being for one years rent beginning the the then next meeting of his Excellencie & the Councill.

Resolu'd, that Coll. *Phillip Ludwell* be paid by M^r *Auditor* out of the impoft of 3^d p gallon, thirty pounds *Sterling*, for fitting up M^r *Secretaries* Office according to agreement made the last meeting of Assembly.

Whereas in the Report of the Committee of Claims there is ten pounds *Sterl*. Ordered to M^r *Edmund Jenings* as a gratuitie for his Voyage to *New Yorke* It is now *Resolu'd* that five pounds *sterl*. be added thereto & that M^r *Auditor Bacon* pay the whole fifteen pounds *Sterl*. to the f^d M^r *Edm^d Jenings* out of the impoft of 3^d p gallon.

A Committee appointed for Proportioning the Levie.

Coll. *Daniell Jenifer* Chayrman.

Coll. *John Armistead*

M^r *Henry Heartwell*.

M^r *C^r Robinson*

Cap^t W^m *Randolph*.

Maj^r *Samⁱ Swanne*

Cap^t *francis Page*

Resolu'd, that all papers & Evidences remaining in this house relating to the charge of L^t Coll. W^m *ffitzhugh* be deliuered to M^r *George Brent* the King's Attorney Genⁱ by M^r *Speaker*.

This house adjourns vntill to morrow morning nine a clocke.

Wednesday

Wednesday the 17th November 1686.

THE house met.

Coll. *Jenifer* & the Committee appointed to proportion the Levie Report that the same being Sum'd up, amounts to one hundred & four pounds of tobacco p^{r} pole, and that they have proportioned the same to the feveral Creditors of the Country.

The byll for Raifeing 104 lb p^{r} pole read the 3^d time & past y^e 3^d Vote And sent to the hono^{ble} Councell for their Concurrence.

Resolu'd that for the time to come no sherifes or other persons whatsoever shall be allowed any fee or other claim from the publique but such as come authentiquely proued to the Affembly & are likewise by Law positively asserted to be paid.

This house haueing Seuerall times dureing this Sesssion addrest his Excellency for the takeing of the imposition of 200^{lb} tob^o imposed by his Excellency for affixing the Seale to Patents & other Instruments it being a fee not ascertained by law nor at any time heretofore taken or demanded, and not prevailing by their humble Addresses to obtain releif from the said imposition, are necessitated to enter in the journall of this house this their vnanimous Resolve.

That the said Imposition of 200^{lb} of tobacco laid vpon the Seale by the Single Authoritie of the Governor is not only vnpresidentiall here but contrary to Law & oppressive.

Resolu'd, that M^r *Henry Heartwell* doe take care & he is hereby desired to provide against the next Sesssion of Affembly, a Convenient table & *Turky* worke Carpet for the Affembly room also three *Spanish* tables for the Office & Committee rooms, two dozen of *Russia* leather Chayres six Lanthornes, six large brass Candlestickes, & Candle Snuffers and six Sconces & that he be paid for them by the next Affembly.

Resolu'd that the bookes of Records, journalls, papers & all other writings belonging to the Affembly be and stand now comitted to *Robert Beverley* the present Clerke of this Affembly, And that he be (and be stiled) keeper of them & that he take care to preserve them Safe & haue them forthcoming & ready to make delivery thereof to the house of Burgeesses the next succceeding Gen^l Affembly.

This house adjournes vntill two a clocke afternoon.

Post Meridiem,

THE house met. M^r *Chilton* brings a message from his Excellencie that he is now in the Court house ready to pass those laws that are ready.

M^r *Speaker* & the house go to attend his Excellencie

285 - 286

JOURNALL

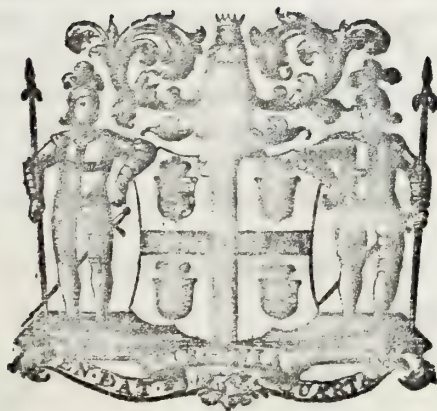
OF THE

HOUSE OF BURGESSES

AT A

GENERALL ASSEMBLY

Begun att *James Citty* the nineteenth day of *Aprill* 1688 And in the Fourth Yeare of the Reigne of our Soueraigne Lord King *James* the Second of *England, Scotland, France & Ireland* &c And from thence continued by prorogation to the 24th of the same Month.



RICHMOND, VIRGINIA.

MCMXIV.

JOURNALL

OF THE

HOUSE OF BURGESSES.

Die Martis 24^o Apr^s

THE Burgeffes meet and attend his Excellency.

Receiue his Comands to returne to their houle & make choice of a speaker.

Major *Arthur Allen* is Elected Speaker and placed in the Chair.

Is presented by the House to his Excellency.

Is approued By his Excell^{cy} & makes y^e vsuall Petitions w^{ch} are granted.

They returne to the House, Mr *Speaker* takes y^e Chair & reports to the House the heads of his Excellency's Speech.

Francis Page presents to the House a Comission from his Excell^{cy} vnder the Seal of the Colony to be Clark of the House of Burgeffes which is read as followeth.

Virg^a fs:

By his Excellency.

fforasmuch as I *Francis* Lord *Howard* Baron of *Effingham* his Maj^{ty} L^t & Governor gen^l of *Virginia* am by his most Sacred Majesties speciall Comands given at his Ma^{ty} Court at *Windfor* the first day of *August* 1686, & in the Second year of his Maj^{ty} Reigne required vpon the convening Assemblies to appoint a fitt person to Execute the Office of the Clark of the House of Burgeffes, In obedience to which Comands of his most Excellent Majestie I the said *Francis* Lord *Howard* Baron of *Effingham* &c being well assured of the Loyalty Integrity and ability of you Cap^t *Francis Page* of the Execution and performance of the said place & Office & trust thereto belonging have thought fitt and hereby do by & with the advice & approbacon of the Councill of State Ordaine Nominate & appoint you the said Cap^t *Francis Page* Clark of the House of Burgeffes with power to take receive and enjoy to your own vse & behoof all fees dues & perquisites to the said place vsuall belonging or appertaining & that you Continue Clark to the House of Burgeffes till I shall signify my Will & pleasure to the contrary, Given vnder my hand & the Seal of the Colony this twenty fourth day of *April* Anno Domini 1688.

Effingham

The House adjournes to 4 of y^e Clock *post meridiem*.

Post Meridiem

THE House mett.

A Committee appointed for the Examinations of Elections & returns.

Coll. *Thomas Milner* Chairman.

Majo^r *Samuel Swan*

Cap^t *W^m Hargedge*

M^r *Chrifr Robinson*

& Cap^t *Miles Cary*

M^r *Henry Randolph* is appointed Clark to the Committee

M^r *Peter Beverley* petitioning this House to be Clark of the Committee of Propositions & Greivances, his petition is granted.

M^r *Henry Randolph* petitioning this House to be Clark of the Committee of Claimes his Petition is granted.

The House adjournes to tomorrow Eight of y^e Clock.

Mercury

Mercury 25 Aprill.

THE House mett.

The Report of the Committee for the Examination of Elections & returns read in the House by the Chairman & the persons following are found to be Elected & duely returned. Viz^t

ffor Nanzimund County.....	{ Coll Tho: Milner & Cap ^t Tho: Leer
ffor Warwick County.....	{ Cap ^t Miles Carey & Cap ^t Richard Whittaker
For James City County.....	{ Coll Philip Ludwell & M ^r James Bray sen ^r
For James Citie.....	{ M ^r W ^m Sherwood Cap ^t ffra Page
For Yorke County.....	{ & M ^r Tho. Barbar
For Surrey County.....	{ Major Arthur Allen Maj ^r Sam: Swan
For Rappahannock County.....	{ M ^r Arthur Spicer & M ^r Hen: Aubrey
For Westmoreland County.....	{ Major Tho: Yowell & Cap ^t W ^m Hardedge
ffor Accomack County.....	{ Major Charles Scarbrough & M ^r W ^m Anderson
For Northampton County.....	{ M ^r Tho. Harmonson & M ^r W ^m Kendall
ffor Middlesex County.....	{ M ^r Chr. Robinson & M ^r Robert Dudley.
ffor Eliz: Cittie County.....	{ M ^r W ^m Wilson & M ^r Tho: Allumby
For Northumberland County.....	{ M ^r Richard Kennor & M ^r Hancock Lee
For Lancaster County.....	{ Cap ^t W ^m Bull [Ball] & M ^r John Pinkard
ffor Stafford County.....	{ Cap ^t Geo: Mafon & Cap ^t Geo. Brent
ffor New Kent County.....	{ Coll John West & Cap ^t Joseph ffofter
ffor lower Norfolk County.....	{ L ^t Coll. Ant ^o Lawson & Cap ^t W ^m Crawford

ffor

for y^e Isle of Wight County. { Cap^t Arthur Smith
 for Charles Citty County. { Cap^t Hen. Applewhite
 M^r Peter Perry.

Major Scarbrough
 M^r Sherwood

M^r Peter Perry
 & Cap^t Tho Leer

are appointed to wait on the Councell to request them y^t y^e Records Bookes & Papers belonging to the Affembly in the possession of the Clark of the Councill may be delivered to the Clark of this House, & that likewise they do in the name of this House address his Excellency y^t Councill may be assign'd to administer the Vsuall Oathes to y^e severall members.

James Westcomb is Entertain'd as a Messenger to this House & ordered to give his attendance to Execute such Commands as he shall Receive from this House.

Resolved by the House that the Return made by the Sherr of *Gloster* is an vndue & imperfect Returne.

Resolv'd that the Sheriff of *Gloster* be sent for by the Messenger attending this House. The Sheriff of *Gloster* being called into this House is ordered to amend his returne Which being \mathfrak{P} formed the return is allowed \mathfrak{P} y^e House.

Resolved \mathfrak{P} ye House that Coll *Phill: Lightfoot* Sherr. of *Gloster* County hath incurr'd the penalty of the 50th Act of Assembly Entituled *Publication of Writts for Election of Burgeffes* for makeing an vndue & imperfect Returne And being Reprehended by M^r *Speaker* is discharged at present from this House, he paying the Messenger.

Vpon the Petition of M^r *Robert Bollin* ag^t the Sherr: of *Charles Citty* County for returning Coll *Edward Hill* Burgeffe the said *Bollin* & the Sheriff were call'd into the House & ordered to attend with their Evidences at the Sitting of the House in the afternoon.

Vpon y^e petition of Major *Tho: Chamberlin* ag^t the Sherr: of *Henrico* Countie for returning Cap^t *W^m Randolph* & M^r *Peter ffeild* Burgeffes the said *Chamberlin* & the Sherr: were call'd into the House & Ordered to attend with their Evidences att the sitting of the House in the Afternoon.

The House adjournes to two of y^e Clock *post meridiem*.

Post Meridiem

THE House mett.

Vpon the appearing of Major *Chamberlin* & the Sherr of *Henrico* County in this House wth their Evidences on full Examination of the matter.

It is *Resolved* by this House that Cap^t *W^m Randolph* & M^r *Peter ffeild* were duely Elected Burgeffes for y^e f^d County.

Vpon the appearance of M^r *Robert Bollin* & y^e Sherriff of *Charles Citty* County & a full Examination of Evidences on both sides It is the Opinion of this House & accordingly *Resolv'd* that the said Sherr: some time on *Fryday* next deliver to the said *Bollin* a Copy of the pole taken att the Election of Burgeffes for the said County & that both Pties appear before this House on *Monday* next in the afternoon & produce the said Pole in order to a finall Determinacon of the matter.

His Excellency's Answer to the Addressie for the assigning of Councill to administer the Vsuall Oaths to the severall Members of this House, brought into the House by M^r *W^m Edwards* Clark of the Councill & read in the House as followeth.

M^r *Speaker*

I haue rec^d an addressie from yo^r House that I would assigne some of the Council to administer to the members of yo^r House, the Vsuall Oaths which was very Vnnecessary if you had duely considered his Majesties gracious declaration of the 4th of *Aprill* 1687. wherein his Majestie by his Royall Prerogative dispenses with the takeing those Oaths &
 also

also indemnifies the persons who do not: but since you have made it your desire I have Answered it & have ordered some of the Council to administer the Oathes to those of your members who are so over cautious, but that it shall not in the least be pressed on those who in observance to his Majesties Declaration refuse, neither shall they in the least be abridged by that Denial of your privilege of a member.

Aprill ye 25th 1688.

Effingham

Mr *W^m Edwards* Clark of the Council brings into the House an Order of Council for the Delivery of the Bookes Records & papers belonging to the House of Burgeses to the Clark of this House Read in the House as followeth.

At a Council held at *James City* Aprill 25th 1688.

Present

His Excellency

Nathan^l Bacon Esq^r

Coll Jn^o Page

Coll. W^m Cole

Coll John Leer

Coll Richard Lee

Coll Xpher Wormeley

Coll John Custis

Coll Is. Allerton

Whereas by an order of Council after the Death of the late Clark of the House of Burgeses it was ordered, that all your Bookes & papers belonging to the House of Burgeses should be delivered to *W^m Edwards* Clark of the Council to be by him preserved & securely kept till such time as his Excellency should please to appoint a Clark to the House of Burgeses, & whereas his Excellency hath now appointed a Clark to the 1st House of Burgeses it is ordered that *W^m Edwards* Clark of your Council do forthwith deliver to *Cap^t Francis Page* Clark of the House of Burgeses all the aforefaid Bookes & papers belonging to your aforefaid Assembly Records & take his Receipt for them.

Vera Copia

Test: W Edwards Cl. Con

Coll Richard Lee & *Coll John Leer* two of the Hon^{ble} Council of state come into the House & bring with them his Excellencies Commission vnder the Seale of the Colony, for administering the usuall oaths to the Several members which is read in House as followeth.

Virg^a Js.

By his Excellencie

I doe hereby nominate order and appoint your Hon^{ble} *Coll Richard Lee* & *Coll John Leer* two of his Majesties Council of State of this Colony to administer the Oaths of Allegiance & supremacy to those only who offer to take them but the oath of a Burgesse of this present Assembly to all, Given vnder my hand and the seale of this Colony this 25 day of Aprill 1688.

Effingham.

And accordingly the Oath of Allegiance & the Oath of supremacy & the Oath of a Burgesse is administered to the Persons hereafternamed.

Maj^r Arthur Allen Speaker

Coll: Tho: Milner

Cap^t Tho. Leer

Cap^t Miles Carey

Cap^t Richard Whittaker

Mr James Bray sen^r

Mr Tho. Barbar

Maj^r Sam Swan

Mr Arthur Spicer

Mr Hen: Aubrey

Mr Tho. Yowel

Cap^t W^m Hardedge

Maj^r Charles Scarbrough

Mr W^m Anderson

Mr Tho. Harmonson

Mr W^m Kendall

Mr Xp^{er} Robinson

Mr Robert Dudley

Mr W^m Wilson

Mr Tho. Allumby

Mr Richard Kennor

Mr Hancock Lee

Cap^t W^m Ball

Mr John Pinkard

Cap^t Geo. Mason

Coll Jn^o West

Cap^t Jos. ffofter

L^t Coll Ant: Lawfon

Cap^t W^m Crawford

Cap^t Arthur Smith

Mr Peter Perry

Major Law: Smith

Cap^t Jn^o Smith

Cap^t W^m Randolph

Mr Peter ffeild.

And

And to Mr Geo: Brent the Oath of a Burgesse.

Mr Xp^r Robinson

Mr Anderson

Major Yowel

&

Cap^t ffoster

are appointed to wait vpon his Excellency to request that Council may be assign'd to swear their Clark & that likewise they request the favour of his Excellencie to transmit y^e Copy of his Excellency's Speech to this House at the opening of this Assembly.

The House adjourns to to morrow Eight of the clock.

Die Jovis 26^o. Aprilis

THE House mett.

The Gentlemen appointed to wait on his Excellency return & acquaint y^e House that they had requested his Excellency to assign Council for Swearing their Clark & that his Excell^{cy}'s Answer was that he had already assigned Council & expected it had been done, they likewise inform the House that they had requested the favour of his Excellency's speech to be transmitted to this House, w^{ch} his Excellencie promised to do this morning.

A Committee for propositions & Grievances

Coll Tho: Milner Chairman

Maj^r Charles Scarbrough

Cap^t Arthur Smith

Mr Christo^r Robinson

Cap^t Miles Carey

Cap^t Jn^o Smith

Mr Arthur Spicer

Mr Peter Beverley is appointed Clark to this Committee

A Committee for Publique Claimes

Mr James Bray, Chairman

Major Sam: Swan

Mr Peter Perry

Major Law: Smith

Cap^t Leer

Cap^t W^m Randolph

Cap^t W^m Hardedge

Mr Henry Randolph is appointed Clark to this Committee

Coll Richard Lee & Coll John Leer come into y^e House & administer the Oath of Allegiance, the Oath of Supremacy & the Oath of a Burgesse to Mr W^m Sherwood, they likewise bring with them a Commission from his Excellency vnder the Seal of the Colony to swear the Clark of this House & the form of an oath for the Clark to take which being compared wth the former Oath vsually administred was found materially to differ vpon which the Gentl^{en}: withdrew without swearing y^e Clark.

A Copy of his Excellency's speech brought into the House by the Clark & read
Mr Speaker & Gent^{en} of y^e House of Burgeses

It is yo^r advantage & happinefs as you are y^e Representatives of the good people of this his Majesties Dominion, w^{ch} occasions this meeting, and that with the addition of his Majesties speciall grace & favor: for no sooner was his Ma^{ty} petition'd on yo^r behalfe that there might be a prohibition that no tobacco might be Exported hence in Bulk for the future, as being the cheif occasion that hath made it for these late years so little worth, but his Majestie not onely granted the petition, but with this gracious condefension, That though his Majestie by his Royall prerogation [prerogative] might have only said *ffiat*, let it be done, & it should have been so, yet he hath referr'd it to you Gent^{en} to be yo^r own Carvers, & please yo^r selves in the method of a law, for the prohibition of it; I need not vse arguments to induce you to it, y^e shorrest sighted Person may easily foresee the benefitts y^t will infue

And had I not had his Majesties Particular directions I had not call'd an Assembly so soon, for haueing now settled the Militia in Such a Method y^t it will be for the Honor & safety of this Colony & haueing likewise found. the good Effect from y^e peace I haue made, & since Confirm'd with the Seneca Indians by the assistance of the Governor of New York, I was willing to ease all Charge on the people possible, & y^t I haue been any
Instrum^t

Instrum^t in freeing this Colony of that Charge & those fears & disorders w^{ch} continually attend vs by the Incursions of those Barbarous people, Is no little joy & satisfaction to me.

And since Gent^a we haue found the sweet of it & expect the Continuance of it, The King haueing espous'd those Indians as his Majesties Subjects, I question not but what I shall p^{ro}pound to you will be readily received & answered.

Which is y^t you would find out some speedy way of raising money to give an assistance & ease to the great Charge the Government of *New York* hath been att this Winter in maintaining those nations of Indians vnder the Governm^t against the pretensions of the *french*, & for w^{ch} errand the Governor of *New York* hath sent a Messenger to me on purpose, by direction from his Majestie as you shall p^{ro}ceive p^{ro} Letters I shall communicate to you, Therefore, it being a Nationall concerne & of such moment to the peace of this Collony, I desire you to take it into yo^r Particular Considera^{on} & give me yo^r speedy Answer, & what you doe let it be done wth Expedition that it may be the more seruiceable to that Governm^t for *bis dat qui Cito dat*.

Effingham.

Coll *Richard Lee* & Coll *John Lee*, two of his Majesties Council come into the House & bring a fform of an Oath for the Clark, M^r *Speaker* requests a Copie w^{ch} is as followeth.

You shall swear as Clark of y^e House of Burgeffes to w^{ch} Office you are appointed by his Excellency the Governo^r faithfully justly & uprightly to make true Entries & Journalls of all Votes & proceedings of the said Assembly & from time to time you shall receive orders & directions from them & shall in all things to yo^r best skill & Judgment. discharge & Execute the said Office & trust of Clark of the House of Burgeffes.

So help you God.

Vpon the Debate of the Message from his Excellency delivered by the Honourable Coll. *Richard Lee* concerning the Swearing of the Clark of this House by the Oath above exprest & Comparing the same with the vsuall Oath which hath been administred heretofore to the former Clarks of Assembly & it materially disagreeing It is the Vnanimous Opinion of this House & accordingly *Resolv'd* That an addresse be made to his Excellency w^{ch} followeth.

By the House of Burgeffes.

May it please yo^r Excellency it is our vnanimous opinion, that although his most Sacred Majestie has been pleas'd to authorize yo^r Excellencie to nominate & appoint the Clark of this House to which they Yeild all due & ready obedience that the p^{ro}son so nominated is still our Clark, & therefore as much o^r Servant as any former Clarke of Assembly has heretofore been, and do therefore humbly Supplicate yo^r Excellency, That the vsuall Oath, a Copy of which is herewith sent be administred to our Clark, That we may be Enabled Effectually to proceed to the Consideration of the great & weighty matters for which wee are conven'd.

Arthur Allen Speaker

Copy of the Oath

You shall swear as Clark of the House of Burgeffes of *Virginia* to which Office you are appointed, faithfully justly & vprightly to make true Entry's & Journalls of all Votes & proceedings of the said House of Burgeffes as from time to time you shall Receive orders & directions from them: Yo^u shall Keep Secret all proceedings of the said House of Burgeffes so far as shall by the said House be found necessary: & shall in all things to your best skill & Judgem^t discharge & Execute the said office & trust of Clark of the House of Burgeffes.

Cap^t *W^m Randolph*

M^r *William Wilson*

Cap^t *Jos. ffoster*

M^r *Tho. Barbar*

Cap^t *W^m Ball*

are appointed to wait on his Excellency wth the Addresse they returne & reporte to the House they should have An Answer to the addresse imediately.

The House adjourne's to two of the Clock *post Meredim*

Post

Post Meridiem

THE Houfe Mett.

Mr William Edwards Clark of the Council brings into y^e Houfe his Excellency's Answer to the Addresse & the forme of an Oath for the Clark of this Houfe both w^{ch} are read as foll:

By his Excellency

Mr Speaker

By the Message juft now rec^d by some of yo^r Houfe y^t I would p^rmit the Oath to be given to the Clark of yo^r Houfe as v^sually it hath been, I beleive you might mistake my intentions in it, & that you may now fully vnderstand me I do declare it never was my intentions nor my desire, that the Clark should be as a spy vpon yo^r Actions & declare to me yo^r private Debates, therefore I am very willing he should be sworn to Secrecy in that point, but what my design in leaving out that Clause in the Oath, w^{ch} you now desire to be inserted was only this, that I might be informed by him what were the Votes & Resolves of yo^r Houfe, when I should think fitt to Enquire for this Reason.

Because formerly they have been kept so secret & private, that the buisness hath come vpon me, as it were by way of Surprize that I haue not had time so duely to consider it as the Weight of the matter for his Maj^{ty}s service has required, I question not butt this will giue you full satisfaction, which I have done y^t you may see I am not willing to intrench vpon any priuledge of your Houfe, And therefore am willing y^t he shall take y^e Oath in the forme herewth sent you

April 26th 1688.

Effingham.

You shall swear as Clark to the Houfe of Burgeffes of *Virginia* to w^{ch} Office you are appointed by his Excellency, faithfully, juftly, & vprightly to make true entries & Journalls of all Votes & proceedings of the said Houfe of Burgeffes, as from time to time you shall Receive orders & directions, from them: you shall keep secret all private Debates of the said Houfe of Burgeffes so far as shall by the s^d Houfe be found necessary & shall in all things according to yo^r best skill & Judgment discharge & Execute the Said Office & trust of Clark of y^e Houfe of Burgeffes.

Mr W^m Sherwood

Maj^r Tho: Yowel

Mr Peter Perry

Mr Peter ffeld.

are appointed to wait on his Excellency & return the thanks of this Houfe for transmitting y^e Copy of his Speech, & that they request the Council assign'd by his Excellency may Swear their Clark according to the abovesaid Oath.

They return & acquaint the Houfe that they have given his Excellencie thanks for the transmitting y^e Copy of his speech & that on their request to his Excellencie for Council to Swear their Clark his Excellency answered they should come immediately.

Coll Richard Lee & Coll John Leer two of the hon^{ble} Council come into the Houfe & bring with them his Excellency's Comission vnder the Seale of the Colony to swear the Clark to whom they administer the oath of Allegiance the Oath of Supremacy & the aforementioned for the Clarke.

The Comission as followeth

By his Excellency

I doe hereby nominate order & appoint you Coll Richard Lee & Coll John Leer two of his Majesties Council of State of this Collony to administer the Oath of the Clark of the Assembly to Cap^t Francis Page given vnder my hand & the Seale of the Collony this 26th day of April 1688

Effingham

The Governo^r of *New Yorke*'s Letter to his Excellency being read & likewise his Majesties letter to the Governo^r of *New Yorke*.

The Houfe intends immediatly to resolve into a Committee of the whole Houfe to consid^r y^t part of his Excellency's Speech relateing to the supplying that Governm^t with money for the carrying on the Warr in the said speech mentioned.

The

The Govern^r of *New York*'s letter to his Excellencie.

My Lord

I yesterday arrived here from *Albany*, where I had the King's Orders concerning this difference with the *ffrench* read in Councill, Vpon which their Opinion is that I should send a Copy to yo^r Lord^s & desire yo^r assistance with money for defraying the Charges we are att, it being impossible for this Governm^t to bear the expence that necessarily attends this war the tax we were forced to impose to discharge y^e last Sumers expence (w^{ch} was only in Gunns, Powder, Shott, arms & other Necessaries to the Indians) has made Several of y^e Inhabitants to leave the Province, the Charge of the last War has been very great being obliged to maintain near five hundred foot, fifty horse & about Eight hundred Indians, the last being a greater burthen then twice so many Christians & how long this will hold the Lord knowes.

My Lord we can expect no great matter from *Pensylvania* East or West *Jersey* they being new Settlers all our dependance must be vpon yo^r Lord^s & *Maryland* *Boston* & *Connecticut* are to furnish vs with Six hundred men, so that wee cannot Expect any money from them.

The Councill haue made a Calculation of the last Winters Expence & find it to amount to aboue tenn thousand pounds & that with the best husbandry Imaginable.

My Lord if *Virg^a* ever haue Warrs wth any people Indians or others they may expect the same Assistance from vs.

I do not doubt but yo^r Lord^s & Councill will consider how necessary this is for his Majesties Service & the Security of *Virginia* & *Maryland* as well as this Province.

I will send yo^r Lord^s the Indian boy by the first conveyance.

I giue yo^r Lord^s many thanks for yo^r care & trouble in my buisnesse with M^{rs} *Matthewes*

I writt to yo^r Lord^s from *Albany* by some *Onondagoes* who went to *Virginia* to desire the assistance of your Indians w^{ch} I hope you have rec^d And I beleive it may be the only way to create a Freindship between them & secure yo^u from the trouble of those Indians. The greatest & best news I can send yo^r Lord^s is that the Queen is with Child.

I hope yo^r Lord^s will hono^r this Governm^t wth yo^r Company this Sum^r.

I am

yo^r Lord^s most humble & most
Obedient Servant

Tho: Dongan.

New Yorke March 30th 1688.

post-script

Beggars My L^d are not to name the Sum^e, That is left to yo^r Lord^s Consideration: but w^ever yo^r Lord^s thinks fitt to do pray lett it be don out of hand our men being very troublefom Calling for money.

my service to M^r *Wormeley*

& *Little Jennings.*

James R

Trusty & wellbeloved Wee greet you well haue wee been made acquainted by yo^r letter to our Right trusty & right well beloved Cousin & Councillor *Robert Earle* of *Sunderland* President of our Councill & o^r principall Secretary of State dated the 8th Day of *September* last past, & by other papers transmitted by you with the late attempt that has been made by the *ffrench* vpon the five nations or Cantons of Indians who from all times haue submitted themselves to our Governm^t And by their acknowledgments of our Sou^ereignty are become o^r subjects, as also with the injurious Proceedings of the *French* in Surprizeing & detaining in *Canada* divers of our Subjects as well Indians as others Wee do therefore think fitt That vpon Receipt thereof you forthwth demand from the Governo^r of *Canada* the Setting att liberty our said Subjects as well Indians as others surprized by them in the lawfull prosecution of their trade together wth the restitution of their goods & effects & as wee are Sensible of what great prejudice it may be to vs &

our

our Subjects if any encroachment be allowed vpon our Dominions or the *ffrench* permitted to invade our Territories or to annoy our Subjects without a due care in Vs to preferue the peace of our Government & to giue all due protection to such as haue brought themselves vnder our Subjection we doe therefore hereby charge & require you to give Notice at the same time to the said Governor of *Canada*, that vpon mature consideration we haue thought fitt to own y^e five Nations or Cantons of Indians *vz* y^e *Maquas*, *Senecas*, *Cajoungnes*, *Oneydes* & *Onondagues*, as our Subjects & resolve to protect them as much, so as nevery^e less vpon informaçon of any injury offer'd or which shall be offer'd or done by them to any of the Subjects of our good brother the most Christian King, to cause as we doe hereby direct you to cause intire Satisfaction for the same, And the Indians withheld from disturbing the *ffrench* in any manner whatsoever, Provided they do abstain on their parts from making war vpon those Indians our Subjects or doing them any Injury & in case the people of *Canada* shall notwithstanding this Declaration perseuer in Invading our Dominions & annoying those Indians, you are with the utmost of yo^r power to defend & protect them & if need shall require to Levie arm & Imploy all Persons residing within your Govern^t and resisting or withstanding the Invasion or attempts of the *ffrench* And them if there shall be occasion to pursue in or out of the limitts of yo^r said Governm^t & to do & Execute all and every other thing which you shall find necessary ffor the protecting our Subjects & preserving our Rights in those parts, and for the better performance thereof we do hereby giue you full power & authority to erect and build such fforts Castles & plattforms & in such place & places as to you shall seem requisit for this Service, And in case it shall happen that vpon this occasion the aid or assistance of our Neighbouring Colonies may be vsfull, you are to give notice thereof to our severall Governors & proprieto^{rs} in any of our Plantations vpon y^e continent of *America* to whom wee haue already sent orders to affoord you such help as the Exigency shall require, and for so doing this shall be yo^r Warrant; Given at o^r Court att *Whitehall* the 10th day of *November* 1681 and in the third year of our Reigne.

By his Majesties Comand

Sunderland P.

To our trusty & wellbeloved *Tho: Dugon* Esq^r our Cap^t Generall & Governour in cheife of our Province of *New York* & the territories depending thereon in *America* & to our Governo^r or Comander in cheife thereof for the time being,

A true Copy Examin'd by *Jn^o Knight* Dep: Sec^y

The House Resolv'd into a Grand Comitte^e y^e Speaker leaves the chair and *Coll Milner* is Elected Chairman.

The Comitte^e fully debate & argue

Mr Speaker takes y^e Chair.

The Comitte^e Report vpon the debate of the proposition comitted that they do not find any just grounds whereby the Inhabitants of this Country are obleiged to affoord any assistance to the Government of *New Yorke*,

The House adjournes to morrow Eight of the Clock.

Veneris 27^o Aprilis

THE House mett

The Report of the Comitte^e read & confirm'd by the House *Nemine contradicente*

Mr W^m Sherwood is added to the Comitte^e of propositions & greivances

Resolv'd by the House that the Comitte^e of Propositions and greivances do forthwith draw vp reasons & present them to this House why they cannot contribute to the assistance of the Governm^t of *New Yorke*

Surry

Surry County greivances
 Gloster County greivances
 Grievances of *Northampton* County
Westmoreland propositions & greivances

Read { & committed
 to y^e Comitee
 of propofitions
 &
 Greivances

Resolv'd by the Houfe that the Com^{tee} of propofitions & Greivances do infpect y^e Journalls of the laft Affembly & Report fuch matters as they fhall think neceffary for the knowledge of the Houfe.

Cap^t *Geo: Brent*

M^r *Peter ffeild*

& M^r *Hancock Lee*

are appointed to infpect the Journall every Evening & make Report to the Houfe next Morning.

Resolv'd by the Houfe that all Propofitions & Greivances to bee prefented to this prefent Gen^l Affembly for their confideraçon be brought into this Houfe by *Tuesday* night next at fartheft or elfe to be rejected.

Resolv'd by the Houfe that all Publique Claimes be brought into this Houfe by *Tuesday* night next at fartheft or elfe to be Rejected.

M^r *William Edwards* Cl: of the Councill comes into the Houfe & acquaints this Houfe that his Excellencie defires the Houfe to be Expedition in the matter concerning the Supply of *New York* Government & that his Excell^{cy} defires it, & they of *New Yorke* Expect it.

The other parts of his Excell^{cy}'s fpeech are referred to the confideration of the Com^{tee} of Propofitions & Greivances.

M^r W^m *Sherwood*

Maj^r *Tho. Yowel*

M^r W^m *Wilson*

L^t Coll *Anto. Lawfon*

& M^r *John Pinkard*

are appointed to wait vpon & acquaint his Excell^{cy} that they haue neglected no time, Since their firft meeting & that purfuant to his Excell^{cy}'s Comands the firft thing they entred vpon, was that part of his Excellency's Speech w^{ch} related to a Supplying the Government of *New Yorke*, Have it now vnder their Confideraçon & will proceed therein wth all convenient Expedition, & that the fame Gent^a do prefent his Excell^{cy} y^e following addrefse

This Houfe being deeply fenfible of the Judgments y^e Almighty hand hath laid on this Country not onely by a great mortality in moft parts thereof but the dearth which it groans vnder, all which we juftly acknowledge are drawn on vs by our Crying fins, have *Refolved* & do *Refolve* to addrefse his Excell^{cy} the Governo^r to appoint a day during this Seflions for a publiq faft & humiliation for this Generall Affembly And that God may be implor'd to withdraw his Judgements & fome other day after for a faft throughout the whole Countrey And that his Excellency will be pleas'd to appoint y^e Miniſter that fhall perform the Duty of the day before the Gen^l Affembly.

New Kent County propofition read & committed to the Com^{tee} of propofitions & Greivances

The Com^{tee} of propofitions & Greivances & the Com^{tee} of claims go out.

The Houfe adjournes to two of the Clock *poſt meridiem*

poſt meridiem.

THE Houfe met and

Adjournes to two of the Clock tomorrow *poſt meridiem* unles M^r *Speaker* finds caufe to convene fooner.

Die

Die Saturni Aprilis 28º

THE Houfe mett

Writt for Election of a Burgeffe in *James Citty* County in the Room & ftead of Coll *Philip Ludwell* read & the return of the Sheriff, wherein M^r *Daniel Parke* is allowed of to be Elefcted & duely return'd

M^r *W^m Edwards* comes into the Houfe & brings his Excell^{ty}'s Anfwer to the addrefse about the appointm^t of a day of Humiliation which is read as followeth.

By his Excell^{ty}

M^r *Speaker*

I haue reëd an addrefse from yo^r Houfe that there might be a day of Humiliation Sett apart during this Seffion of Affembly here, & afterwards through the whole Dominion to implore Almighty God, that the destroying Angell may Sheath that Sword that hath been fo long drawn ag^t vs, & hath flain fo many of vs within thefe two yeers pafst & that the Judgm^t of droght, w^{ch} att prefent Wee fuffer & threatneth a dearth may by his mercy be remov'd, to which both my Selfe & Councill doe very willingly confent, And I doe hereby appoint by their advife *ffriday* next to be a folemn day for this town, and haue appointed M^r *Deuel Pead* to officiate that day, and fhall likewife give order for Proclamation to iffue, for a day to be fet apart throughout the whole Dominion.

Aprill 28th 1688

Effingham

Tho: Busbyes petition { being referr'd by his Ex^{ty} are
& *Geo. Smiths* petition { read

& Comitted to the Com^{tee} of Claimes.

The Houfe adjournes to *Monday* two of the Clock *post Meridian*

*Luna 30º Aprilis**Post meridiem*

THE Houfe mett

James City County greivances & propofitions read & comitted to ye Comitte of propofitions & greivances.

A propofition from *James Cittie* County Court read & comitted to the Comitte of propofitions & greivances.

An order of the Generall Court dated *Aprill* the 20th 1669 prefented to the Houfe by M^r *William Sherwood* read & comitted to the Comitte of propofitions & greivances.

Eliz^a City County greivances read & comitted to the Comitte of propofitions & Greivances.

Accomack County Greivances read & comitted to the Comitte of propofitions & greivances.

M^r *Tho: Walker's* petition is read & comitted to the Comitte of claimes.

The greivances of *Northumberland* County read & comitted to y^e Comitte of propofitions & Greivances.

Refolv'd by the Houfe that any member of this Houfe may have a Copy of any Vote or any part or the whole of the prefent or any former Journalls.

The writt for the Election of a Burgeffe in *York* Countie in the room & ftead of *francis Page* the Clark of this Houfe read and the return of the Sherff wherein M^r *Robert Read* is found & allowed of to be Elefcted & duely return'd.

A Report of the Comitte of propofitions & Greivances read by Cöll *Milner* Chairman in his place & afterwards d'd to the Clarks table.

M^r *Robert Bollin* & M^r *Charles Goodrich* Sherff of *Charles Cittie* County come into the Houfe & bring with them the Roll of the Pöll taken at the time of Election & vpon the full Examination of the whole matter it is *Refolv'd* y^t M^r *Robert Bollin* is found to be duely Elefcted Burgeffe.

Refolved

Resolv'd That the Sherff: of *Charles Citty* County Come into the House & amend his return by racing out the Name of Coll^o *Edward Hill* & inserting the name of M^r *Robert Bollin* w^{ch} is accordingly done & M^r *Robert Bollin* allow'd of as Burgeffe for *Charles Citty* County.

Resolv'd by the House That M^r *Charles Goodrich* Sherff: of *Charles Citty* County hath not incurr'd the penalty of the 50th Act of Assembly intituled *Publication of Writts for Election of Burgeffes* but that his returning of Coll *Edward Hill* was by Mistake in the number of persons who were presum'd to be freeholders.

Coll *Lawson*

Cap^t *Mason*

Cap^t *Whittaker*

& M^r *Kennor*

Are appointed to wait on his Exc^y & request that he would assign Councill to administer y^e vfuall Oaths to those members of this House that have not been yet sworn.

The House adjourn's to Eight of y^e Clock to morrow.

Martis 1^o May

THE House mett.

The Gent^s appointed to wait on his Excellency to request him to assign Councill to administer y^e vfuall oathes to those members y^t are not yet Sworn, return & acquaint y^e House that his Excellency would forthwth

Stafford Count greivances

Ifle of Wight County greivances

} Read & comitted to the Committee
} of propositions & greivances.

That part of the Report of the Committee relating to the Supply of the Govern^t of *New York* with money being read is confirmed with the approbation of the Addresse menconed in the same w^{ch} is accordingly *resolv'd* to be presented to his Excellency &

Coll. *Law. Smith*

Cap^t *Tho: Leer*

Maj^r *Yowel*

M^r *Kendall*

& M^r *ffeild*

are appointed to wait on his Exc^y & p^rsent the same w^{ch} is as föll

To his Exc^y *Francis Lord Howard Baron of Effingham* his Majesties L^t & Governour Gen^l of *Virginia*

The House of Burgeffes now assembled.

Present

That this House having taken into their most serious Consideration that part of yo^r Excellen^ys Speech relateing to our raising of money to give assistance & ease to the charge of the Govern^t of *New York* hath been att this Winter in maintaining those Nations of Indians vnder that Govern^t against the pretensions of the french, & also haueing diligently read his Majesties Letter to the Governour of *New York* & the said Governor's letter to yo^r Excellency w^{ch} were for that purpose Communicated to this House doe thereto make this humble answer That they conceive the Inhabitants of this Country are no way obliged to affoord assistance to the Government of *New Yorke* & that besides att this time they are in no capacitie of giving help for Seuerall reasons which this house have herevnto annexed & do humbly offer to yo^r Excellency not doubting but that yo^r Excellency will allow them as fully convincing.

1st That in his Majesties Letter to the Governor of that province dated the 10th Day of *November* 1687, they observe that his Majestie had then sent orders to his Majesties severall Governors & proprietors of his plantations in *America* to afford such help as the Exigency should require, & we not being Sensible of any such Comands or directions from his Majestie for our contribution or aid in that affair, do from thence humbly conceive, that his Ma^{tie} well knowing how difficult it is for this Dominion to give assistance to that Governm^t being so great a distance from one another, hath required & ordered Such help as shall be found necessary to be afforded them, from his Majestie's Plantations neare adjacent.

And further this house do humbly offer to yo^r Exc^y that they have also taken into due consideration y^e ability of this Country & how far this Country can be capable at this

this time of disbursing moneys & affording releif in the matter required but therevpon do find the same so indigent & incapable. It haueing been under late great Charges & Disbursm^{ts} as well in maintaining war against, & settling a peace wth the *Seneca* & other Indian Nations, as for other matters y^t vnavoidably required it) that they can no wayes comply with giving help or assistance by money or otherwayes to the Province & Government of *New York*, without reducing this Countrey to an insupportable poverty & want.

And this House do further humbly observe to yo^r Excellency that the difference now represented arises chiefly about the supporting & carrying on a particular trade, and that his Majesties Province of *New York* does no way thereby be vnder such apparent & eminent danger or hazard, as of necessity to require our immediate assistance, to which in such case which God prevent, we shall at all times be ready & willing to yeild our best and vtmost endeavors (without haueing any regard to our particular Interest when there vnto required for the preservation of that his Ma^{ty} Governm^t

Ar: Allen Speaker

Mr William Edwards petition read and committed to the Committee of claims.

Cöll Law: Smith &c return & acquaint the House they have delivered the addresse to his Excellency.

The first part of the report of the Committee of propositions & grievances relating to a fee of 35 of tobacco taken by *Mr Secretary* being read is approved & accordingly *resol'd* that it be recommitted to the said Committee to propose such Methods & wayes as they shall think fitt for redresse of the same, & p^rsent to the House for consultation.

That part of the report of the Committee relateing to the revissall of the laws being read is confirmed & *resolved* that a Committee be appointed to draw vp an addresse to his Excellency to haue the knowledge of the revissall of the laws and that his Excellency would communicate the same to this House.

Cap^t Geo: Brent

Mr Peter ffeld

Mr Hancock Lee

& *Coll Ant: Lawson*

are appointed to draw vp the aforesaid addresse & p^rsent it to the House.

That part of the Report of the Committee relating to a stricter Law to be made for prevention of Insurrections of Negroes being read is confirmed & *resolved* that it be committed to the consideration of the said Committee for preparing a bill for the same.

That part of the Report of the Committee relateing to a bill for the Regulateing the Charge of Criminalls with the return of the Councill vpon the same being read is confirmed & *resolved* that it be committed to the Committee of clames & that the Clark of this House do deliver to the Committee y^e aforesaid bill. *Cöll John Leer* & *Coll Christopher Wormely* two of his Majesties Councill come into the House and bring his Excellency's Comission for swearing those members that haue not yet been Sworn as followeth

By his Excellency.

Virg^o fs.

I doe hereby nominate order & appoint *Cöll John Leer* & *Cöll Christopher Wormeley* two of his Majesties Councill of State of this Collony to administer the Oaths of Allegiance and Supremacy to those onely who offer to take them but the Oath of a Burgesse to all the members thereof who haue not taken the same, Given vnder my hand and the Seale of the Collony this first day of *May* 1688

Effingham.

and accordingly the oath of Allegiance the Oath of Supremacy & the Oath of a Burgesse is administred to

Cap^t Hen. Applewhite

Mr Robert Bollin

Mr Robert Read

& *Mr Dan: Parke*

That part of the Report of the Committee relating to 8000^l Tobo for transcribing two Bookes of Old Records by *Mr Chilton* read is confirmed & *resolved* that it be committed to the Committee of Claims to make such Enquiry into the same as they shall think fitt.

That

That part of the Report of the Committee relateing to y^e abuse put vpon *Stafford County* & the whole Country by L^t Coll W^m *fitz-Hugh* read & confirm'd.

M^r *Speaker* acquaints the House that he delivered the papers relateing to the same to Cap^t *Geo: Brent* the King's Attorney Gen^l

Cap^t *Brent* acquaints the House of the receipt of the papers & the reason that he did not prosecute was that his Commission determined before the Generall Court & that the papers should be produced to M^r *Edmund Jennings* his Majesties Attorney Generall when he came to town

Resolved that an addresse be made to his Excellency to know what progresse has been made in the prosecution against L^t Coll W^m *fitz-Hugh* & that the Committee of propositions and greivances do draw vp the said addresse & present y^e same to the House.

Jⁿ Kembrors petition read & committed to the Committee of Claims

The House adjournes to two of the Clock *post meridiem*.

Post Meridiem

THE House mett
Westmorland propositions read & Comitted to the Committee of propositions & Greivances.

M^r W^m *Edwards* comes into the House & brings his Excell^{ty}'s Answer to the addresse, about supplying the Govern^t of *New Yorke* with money as also a Copy of that part of his Majesties instructions to his Excellency relateing to the same which are read, &

Resolved that they be committed to the Committee of propositions & greivances to draw a Reply thereto and such further reasons, as they shall think fitt & report the same to this House.

His Excellency's answer as followeth.

By his Excellency

M^r *Speaker*

I this morning rec^d the resolve of yo^r House to my propofall in relation to raising of money to give assistance & ease to the Charge the Government of *New York* hath been att this Winter in maintaining those Indians ag^t the pretensions & Invasions of the *French* which is that you do not conceive the Inhabitants of this Country are any wayes obliged to afford Assistance to the Govern^t of *New York* & y^t for these reasons.

That in his Majesties Letter to the Govern^r of that province Dated the 10th of *November* 1687 you did observe that his Ma^{ty} had then sent orders to his Ma^{ties} severall Governors & proprietors of his Plantations in *America* to afford such help as the Exigencye should require, & you not being Sensible of any Such Commands from his Majestie for any contribution or aid in that affair, do from thence conceive, you are not obliged to give any aid or assistance to that Govern^t But that you may be fully satisfied I haue rec^d Commands from his Majestie therein, I haue herewith sent you a Copy of my Instructions Attested under my hand that you may from thence think yo^r selves Obligated to contribute.

And further you object that the difference now represented arises chiefly about, the supporting & carrying on a particular trade, That his Ma^{ties} Government of *New York* doth not lie vnder such apparent danger or hazard as to require your immediate assistance: If you had duely considered his Majesties Letter to that Govern^r you would haue been better inform'd: for therein his Ma^{ty} gives particular directions for the espousing those Indians as his Majesties Subjects & the building forts & Castles for the defence of that Province, so that thereby yo^u see both the charge they haue been att & the danger they lie vnder, And I question not but on second thoughts you will better consider it, And therefore I again Recommend it to you, desiring yo^r speedy answer.

May y^e 1st, 1688.

Effingham
Copy

Copy of Instructions.

In case of distresse of any of our Plantations, you shall vpon application of the Respective Governours thereof to you assist them with what aid the condition & safety of your Governm^t can permitt.

Effingham

Copia vera.

Charles Citty County grievances & propositions.	} Read {	& comitted to the Comitte of propositions & greivances.
Northampton & Acomack County greivances ag ^t Cöll <i>Custis</i> .		
The Houfe adjourns to to morrow 8 of y ^e Clock.		

Mercury 2^e May

THE Houfe mett

A report of the Comitte of propositions & greivances read by Cöll *Milner* Chairman in his place & afterwards delivers it to the Clerkes table:

The first part of the Report of the Comitte relateing to his Excellencies proclamation reviveing the 6^h Act of Assembly of *June* 1680 which stands repeald by an Act made at *James Citty* 1682 being read is confirmed, & *resolved* that an addresse be drawn vp to p^rsent to his Excell^{cy} for declaring void the said Proclamation, and that the hoñble Councill be desired to Joyn with this Houfe in the same.

Cap^t *Brent*

M^r *Peter feild*

M^r *Hancock Lee*

Coll *Lawson &*

Cap^t *Mason*

M^r *Willm Wilfon*

are appointed to draw vp the said Addresse & present the same to the Houfe.

The second part of the Report of the Comitte relateing to a bill for Ports being read is confirmed, &

Resolved that a bill be brought into the Houfe accordingly

The third Report of that Com^{tee} relateing to a fee of 35^{lb} tob charg'd by M^r *Secretary* is read & confirmd.

As also an addresse to his Ex^{cy} which is approved of and *resolv'd* that it be forthwith fairly transcribd by the Clerke & p^rsent to his Excellency as föll.

To his Excellency Francis Lord Howard Baron of Effingham his Ma^{ties} L^t & Governo^r gen^l of Virginia.

The House of Burgeffes now assembled.

Humbly p^rsent

That the last Session of Assembly, the Houfe of Burgeffes haueing represented to them an aggreivance, complaining of 35^l tobo, Charg'd by the Clark of M^r *Secretary's* office more then formerly for every patent did for the remedying thereof for the future acquaint M^r *Secretary* therewith & desire his Honor, That no fees should be chargd which the laws of this Country did not ascertain, and did therevnto Receive M^r *Secretary's* Answer and promise that as soon as he vnderstood that M^r *Chilton* had sent out Such fees, he had commanded him to forbear any further demand of such fee Except in the *Northern Neck*, where the Inhabitants for their Security desire to haue Record made of their Survey & Entry of Rights in his Office: But if they are so pleas'd to haue it he would for them also for the tyme to come forbear the Recording of Survey & Rights and demanding such fee with which y^e s^d house remain'd fully sattisfied.

But now may it please yo^r Excell^{cy} this Houfe as well of their owne certain Knowledge as by the aggreivances of the freeholders of this Country being made sensible that the said fee of 35 lb of tobo is still continued to be demanded both in the *Northern Neck* & the Severall respectiue Counties of this Country do therefore make their humble supplications, on behalfe of themselves & those whom they Rep^rsent that yo^r Excellency would

would give positive directions & Commands to M^r *Secretary* that for the future he charge or dem^d neither that nor any other fee then what already is by the settled Lawes of this Country Eſtabliſhed.

Arth: Allen ſpeaker.

An addreſſe to his Excellency drawn vp by the Committee of propoſitions & greivances in Reply to his Excellency's anſwer relateing to the ſupply of the Government of *New Yorke* being read, is approv'd. &

Reſolved that it be fairly tranſcribed by the Clerke and preſented to his Excellency as ſoll.

To his Excellency Francis Lord Howard Baron of Effingham his Majeſties L^t & Govern^r gen^l of Virginia.

May it pleaſe yo^r Ex^{cy}

This Houſe haueing Receiued & well conſidered yo^r Lord^ſ Anſwer to their reſolves & reaſons about giving aſſiſtance to the Govern^t of *New Yorke* & alſo a Copy of his Majeſties Inſtructions to yo^r Excellency, that from thence we might think our ſelves obligd to contribute do thereunto make this humble reply.

That they moſt aſſuredly beleive & know that not only by vertue of his Majeſties Inſtructions but even by the bond of duty & loyalty to his Ma^{ty} they are bound to aſſiſt ſo far as they are capable all & every of his Majeſties Govern^{ts} or Plantations that ſhall lye vnder unavoidable hazard, & diſtreſſe: but that they alſo humbly conceive that the province of *New Yorke* att this time is not vnder ſuch danger or extream want, his Ma^{ty} ſignifying his late letters to that Govern^t (as this Houſe vnderſtand it) that his Ma^{ty} had particularly Ordered them ſufficient aid & aſſiſtance from his ſeverall Plantations nearer adjacent and this houſe take leave again to obſerve to yo^r Excellency that the ability of the Country will not admitt of our giving Supplies conſidering the condition thereof at this time & that in ſuch a caſe his moſt gracious Ma^{ty} even in that Inſtruc^{on} ſent by yo^r Excellency does never require it, but abſolutely leaves vs to a due conſideration of our own ſafety.

Wherefore this Houſe humbly pray yo^r Excell^{cy} to take it into yo^r further conſideration the former reaſons rendred by this Houſe & then they are well aſſured yo^r Excell^{cy} will accept them as good, & be thereby perfectly ſatiſfied why we cannot comply with the preſent requeſt of the Govern^r of *New Yorke*.

Arthur Allen Speaker.

The Gentlemen appointed to draw an addreſſe to his Excellency relateing to the Revifall of the lawes p^{reſent} an addreſſe to the Houſe which is read by Cap^t *Brent* in his place & after delivered at the Clarke's table.

Is approved & *reſolved* that it be fairly tranſcribed by the Clerke & preſented to his Excellency together with the former.

The addreſſe

May it pleaſe yo^r Ex^{cy}

This Houſe vpon y^e reading over the Journall of the laſt houſe of Burgeſſes do obſerve that by that houſe an humble addreſſe was made to yo^r Excellency for y^e revifall of the whole Body of y^e laws of this Country to the End they might be made fitt to be preſented to his Sacred Majeſtie for confirmation: and alſo do find yo^r Excellency's Benign Anſwer promiſeing that as ſoon as the ſelect Committee of y^e honourable Councell which yo^r Excellency had appointed to reviſe & conſider the ſaid laws had performed that worke That then yo^r Excellency would tranſmitt them to the Houſe for their conſidera^{on} & approbation, w^{ch} the houſe haueing not yet rec^d from yo^r Excellency & haueing conſidered of what great import it is to all his Majeſties Subjects in this Dominion to haue the lawes made perfect to which they muſt render their Obedience & be in a great meaſure Govern'd by do moſt humbly remind yo^r Excellency of yo^r former promiſe & conceſſion in that point, & pray that this Houſe may receive the laws ſo re-
viſed

vifed wth all poffible fpeed that y^e end may be arrived att in the beginning Sought w^t
The p^refenting of them to his Sacred Majeftie for his allowance & confirmation by his
Royall affent

Ar: Allen Speaker.

Coll Weft

Cap^t Whittaker

M^r Anderson

Maj^r Yowel

Cap^t Craford

& M^r Kendall

are appointed to wait on his Exc^v & prefent the three foregoing Addreffes.

Refolv'd that fome members of this Houfe do acquaint M^r Auditor *Bacon* that this
Houfe Expects from his hono^r an acco^t of the Imposition of 3^d p Gallon vpon liquors.

Cap^t Applewhite

Cap^t Ball

M^r Robert Bollin

are accordingly appointed to acquaint M^r Auditor of the fame.

A bill for Ports Wharfs & Keys read & paff the Houfe.

Refolv'd the fame be read the 2^d time.

The Houfe adjourns to 2 of y^e clock *poft Meridiem*.

Post Meridiem

THE Houfe Mett

Coll Weft &c return & acquaint the Houfe that they deliver'd to his Ex-
cellency the three foregoing addreffes.

The Houfe adjourns to to morrow two of the Clock *poft Meridiem* Vnlefs
M^r Speaker finds caufe to convene fooner.

Jovis 3^e May

THE Houfe mett

The Comitte of claims prefent to the Houfe a bill relateing to the charge
of Criminalls by M^r *James Bray* Chairman

The bill read the firft time & *refolv'd* that it be read the Second.

Cap^t Applewhite &c acquaint the Houfe that they had delivered the Meflage to M^r
Auditor & that his Anfwer was they fhould haue an Acco^t of the 3^d p Gallon this day.

The Comitte of propofitions & greivances according to a former Refolve of this
Houfe p^refent an addrefse to his Exc^v relateing to L^t Coll W^m *ffitzhugh* which is read by
Coll *Milner* Chairman in his place & delivered in att the Clerks table

Approv'd & *Refolv'd* that the fame be fairly tranfcribed & prefented to his Ex-
cellency

The Addrefse.

*To his Exc^v Francis Lord Howard Baron of Effingham his Ma^{ties} L^t & Governour Gen^l
of Virginia—*

The Houfe of Burgeffes now Affembled

Humbly p^refent.

That the Houfe of Burgeffes the laft Affembly haueing prepar'd feuerall Articles
of Charge ag^t L^t Coll. *William ffitzhugh* did deliver the fame together with all
evidences & other papers relateing thereto to M^r *Geo: Brent* the King's Attorney Gen^l
in order to haue it putt into imediate profecution, But this Houfe vnderftanding y^t by
means of the f^d M^r *Brent*'s being foon after difcharg'd from y^e Office he then held as
Attorney Gen^l that no proceedings therein (as was intended) is yet made, they therefore
humbly make this Supplication & addrefse That yo^r Excellency would pleafe to order
& direct M^r *Edmund Jennings* the King's Attorney Gen^l now being that he forthwith
take the faid Charge & papers out of M^r *Brent*'s hands & without fail putt the fame into
profecution ag^t Coll *ffitzhugh* the next fucceeding Gen^l Co^t

M^r

Mr W^m Edwards comes into the House & brings his Ex^{ce} answer to the addresse relating to 35^l tobo as a fee taken by Mr Secretary, as also a transcription of the laws revised

His Excell^{cy} Answer is read as foll.

By his Excellency.

Mr Speaker

To yo^r addresse even now rec^d that yo^r House might haue a perusal of the Body of the Laws of this Country when revised & amended by that Select Committee of the Councill that I appointed for that end,

I answer

That they are now finished & that I haue herewith sent them in Compliance to yo^r addresse, as to yo^r other concerning the 30^l tobo Mr Secretary's fee for Recording of Surveys, it being particularly his concerne till he comes who is dayly Expected, I shall deferr my answer: but in case any accident should divert him I shall giue you a Satisfactory answer before the End of this Session.

May 2^d 1688

Effingham

The Gentlemen appointed to draw an addresse to his Excellency relating to his Excellency's proclamation for the Reviving of a Lawe repeald in the Year 1680. do p^rsent to the house an addresse to that purpose, w^{ch} is read by Cap^t Geo: Brent in his place & afterwards delivered in att the Clerk's table, which is by the Clerk read, & approv'd.

Resolv'd that the addresse be fairly transcribed & that the hon^{ble} Council be desired to joyn wth this House in p^rsenting the same to his Excellency--

The addresse.

To his Ex^{cy} Francis Lord Howard Baron of Effingham his Majesties L^t & Governo^r Gen^l of Virginia

May it please yo^r Excellency,

Vpon the reading the Journall of the last House of Burgeses this house observes some humble addressees of that house on the Journall made to yo^r Excellency humbly desireing yo^r Excellency's proclamation for reviving the 6th Act of Assembly of June 1680. about Attorneys may be calld in & made void, to the first of which yo^r Excell^{cy} was pleasd to signifie to the House many reasons you had to denie their request: but the main of all that it was his Majesties p^rticular Instructions to yo^r Excellency to issue the said p^rclamation vpon receipt of w^{ch} the House by a second addresse did beseech yo^r Ex^{cy} That y^e part of his Maj^{ties} Instructions relating to Reviving the said repeald Law might be transmitted to them to the End they might pay all readie humble & due obedience therevnto w^{ch} yo^r Excell^{cy} was pleasd to giue Answer to November 12th 1686 That those Instructions relating to the Repealing of that law were from his late Majestie of ever blessed Memory, & that yo^r Excellency not foreseeing any occasion you Should haue of them in that Assembly had left them att home, so that no further Answer could be then given.

And this house haueing duely weighed the great concerne that in this point lies vpon them & being ever ready to manifest their Strict obedience to his Maj^{ties} Com^{ds} & no way aimeing to dispute contradict or lessen his Royal prerogative w^{ch} they will be ever readie to defend together with his Royall & sacred p^rson with their lives & fortunes, Yet haueing never as yet rec^d from his Ma^{ty} since his accession to his Emperiall Crown or from his late Ma^{ty} of ever blessed memory any marks of their displeasure or any desire his Ma^{ty} hath to cutt vs short in any thing granted in his Royall Charter, we do once more beg leave of yo^r Excellency to heare or [our] reasons vpon the whole of y^e matter in all theaddresses on this Subject before made to yo^r Excellency contain'd which here follow.

May it please yo^r Ex^{cy}

This House do not, nor dare not go about to say what is prerogative & what is not: it's a Subject they will not touch vpon, & therefore do beseech yo^r Excellency in the Argument they are now going to make being but a point of common distinction, that no such thing may be attributed to them.

This

This House do not draw it vnder question whether his Majestie by his proclamation may repeal all or any lawes that have not past the Royall assent, but if before his Majestie hath given his Royall assent, any law so made by the Generall Assembly shall be found inconvenient & by the same Authority in an other Sessions repeald & made void it is as if the same had never been & a Law may as well Receive it's beginning by proclamation as such revivall since his Majesties Instructions in Such case would be as this house humbly conceives *Ex post facto*, & this house do humbly desire the Hon^{ble} his Majesties Council of State to Joyn with them in representing to yo^r Ex^{ty} the dangerous consequences that may follow if they should be silent herein for although his sacred Majesty hath indulged all his good Subjects in this Country to an inexpressible degree by giving them so prudent a Govern^r as yo^r Excellency in the whole course of yo^r Governm^t hath shewed yo^r selfe to be; yet if by death or otherwaies yo^r Excellency should be removed Some Govern^r may be sent to Govern vs who vnder the pretense of the liberty he hath to conftrue prerogative & stretch it as far as he pleaseth may by proclamation Revive all the Laws that for their great Inconveniēcs to the Country have been Repeald though forty yeare since & this would be no more but *Ex post facto* as hath been before Expressed, & therefore this House do humbly hope that this their humble address to yo^r Excellency will receive a benign condecension from yo^r Excell^{ty} & the grant of the thing so long prayd for viz^t the calling in & makeing void y^e said proclamation.

The Gent^a of y^e Committee of propositions & Greivances are appointed to p^rsent the afore^d addresse to the hono^{ble} Council.

They are likewise appointed to p^rsent to his Ex^{ty} the address relateing to L^t Coll W^m fitzhugh.

A bill for better prevention of Negroes insurrections read the first time,
& Resolv'd to be read the Second

A bill for Ports read the 2^d time & resolv'd the third reading.

Resolv'd that it be Entituled *a Bill for Ports for the better securing his Majesties Customs & revenues ariseing in this his Dominion of Virginia* & that it be read the third time Saturday morning.

The house adjourns to two of the clock *post Meridiem*.

Post meridiem

THE House Mett.

The House adjourns to to morrow Eight of y^e Clock

Veneris 4^e May

THE House haueing Mett & adjourn'd to Eight of the Clock to morrow, attend M^r Speaker to wait on his Excellency & Council att the Council Chamber & thence to Church.

Saturni 5^e May

THE house mett

The Gent^a of the Committee of propositions & greivances acquaint the House by Coll Milner Chairman that they delivered the addresse relateing to the prosecution of L^t Coll W^m fitzhugh to his Excellency & that his Excellency's answer was he would see that it should be done in due time.

They likewise acquaint the House that they had delivered the address relateing to his Exc^{ty}s proclamation for reviving a repeal'd law to the hon^{ble} Council & their Answer was they should receive an Answer in convenient time

Maj^r

Maj^r Scarbrough & Cap^t Smith

are appointed in the name of this House to give thanks to M^r Deuel Pead for the Excellent Sermon yesterday preached before the Generall Assembly.

Cap^t Randolph & Cap^t Perry.

are appointed to repair to the Secretary's Office & demand the Charge ag^t L^t Coll W^m ffitzhugh that was Exhibited att the Councill board the last Session of Assembly.

The Committee of Claims by M^r James Bray Chairman p^rsent to the House. A bill directing how publick Claims shall be certified for allowance & delivered the same att the Clerk's table—is read & *resolved* that y^e same be read y^e second time.

A bill for Charge of Criminalls read the Second time & *resolved*, that it be Entituled

A bill declareing how the Charge ariseing by Criminalls shall be payd for the future.

A bill for Ports for the better Securing his Majesties Customs & revenues ariseing in this his Dominion of Virg^a read the third time & past the House *Nemine contradicente*.

Resolv'd that the bill for better preuention of Negroes Infurrections be Entituled *a bill for an additionall Law concerning Negroes & other slaves* which is read the 2^d time & *Resolv'd*

That it be putt to the Question whether the bill shall passe the Second Vote as it is or be amended

Resolv'd y^t it be amended

The bill past wth the amendm^{ts}

M^r William Edwards Comes into the house & brings his Excellency's Answer to the addresse relateing to y^e prosecution of L^t Coll W^m ffitzhugh which is read as followeth.

M^r Speaker

Yo^r house hauing by their humble addresse set forth that y^e last Assembly prepar'd severall articles of Charge ag^t L^t Coll W^m ffitzhugh, w^{ch} Charge I ordered Cap^t Geo. Brent Attorney Gen^l for the time being, to prosecute at the then next Gen^l Court, but no prosecution being yet had therein, I shall forthwth order & Com^d Edmund Jennings Esq^r his Majesties Attorney Gen^l that without further delay all papers relating to the sd Articles of Charge be taken into his Custody, to the intent the said Charge ag^t the said L^t Coll W^m ffitzhugh be by him effectually prosecuted att the next Gen^l Court.

May 3^o 1688.

Effingham.

The House adjourns to two of y^e Clock *post meridiem*.

Post Meridiem

THE House Mett.

M^r Poynes Weldon comes & acquaints y^e house that his Excellency had Comanded him to come to this House to know if the house was mett & that his Excellency Expected they should wait vpon him.

Resolved that the whole house do attend M^r Speaker to wait on his Excellency.

They return to the House & M^r Speaker takes y^e Chair Informs the house of the heads of his Excellency's speech as followeth—

Gentlemen

His Excellency was pleased even now to acquaint vs that he long since Expected to haue rec^d from vs a bill to prohibitt the Exporting of Bulk tobacco & the rather because it was particularly recomended by his most Sacred Majesty as his Ex^{cy} was pleas'd to intimate at the opening of this Assembly & which he did not question sufficiently appeared to this House to be considerable for the interest & Service of this his Dominion & therefore he desired we should speedily apply our Selves thereto.

His Excellency did further acquaint vs that consid^ring the Government of Maryland had not concurr'd with vs in makeing a Law limittin the time for planting Tobacco he did not question but it would appear reasonable to vs to repeal the law by which we

were

were our Selves restrained rather then by the continueing thereof giue the Inhabitants of that Governm^t so considerable an advantage & his Lord^{sh} did also propose, whether it were not more Elegend that the Law were now Repeald by vs then afterwards considering the great & Extraordinary drought had putt vs almost beyond the hopes of making (if wee had our liberty) any considerable Crops of tobacco on which cheifly the Governm^t as well as our Selves had a principall dependance.

And his Excellency was likewise pleas'd further to acquaint vs that the difficultie as well as vncertainty of the parties recovering satisfaction for the carrying or conveying of Letters either to or from himSelfe made the pressing of men & horses for that particular not at all pleasant or gratefull to the Inhabitants of this Country he therefore recommended it to vs to find a Method & propose such a Satisfaction out of the Impost on liquors as might engage them carefully & speedily to convey all such Letters or rather buisness as should be committed to their care relateing to his Majesties or the Countrey's service.

And lastly that the former law for Ports &c then lay before the Lords Committees for trade & Plantations that his Excellency had lately rec'd from their Lord^{sh} a Letter & other papers thereto relateing which he would speedily communicate to this House that we might not vneccessarily spend our time in debateing of that matter

M^r W^m Edwards comes into the House & brings a Letter from M^r Blaitwait to his Excellency which is read as followeth.

Councill Chamber 12 Aug^r 1687.

My Lord

The Bill for appointing Ports in *Virginia* & the Act touching a restriction vpon the planting Tobacco haueing been refer'd to the Commissioners of y^e Customs & the Lords of the Committee for plantations haueing rec'd their Reports therevpon, their Lord^{sh} approving thereof in every particular haue ordered Copies of the said Reports & papers belonging to them to be sent to my Lord *Baltimore*, to the End his Lord^{sh} may return his answer in those matters wherein his concurrence is mentioned to be necessary & in the mean time their Lord^{sh} haue likewise commanded me to send yo^r Excellency Coppies of the same That yo^r Lord^{sh} may see in what State that Matter remains att present. I am

My Lord yo^r Excell^y's

most humble & most faithfull

Servant

William Blaitwait.

To his Ex^{cy} Francis Lord Howard Baron of Effinghã: his M^{ty} L^t & Governor generall of Virginia.

Coll Milner

Coll Lawfon

M^r Sherwood

Cap^t Randolph

M^r Whittaker

are appointed to wait on his Ex^{cy} & acquaint him that this House haue already prepared a bill for Ports, which hath past the third Vote & will be ready on *Munday* to present to the hon^{ble} Councill & to request him that the papers relateing to the report of the Commissioners of the Customs to the Lords Committees for Plantations concerning Ports & the restriction of planting tobacco may be transmitted to this House.

The Gen^l return & acquaint the house by *Coll Milner* that they had inform'd his Excellency that this house had already prepar'd a bill for Ports which had past the third vote & would be readie to present to the hon^{ble} Councill on *Munday* & that likewise they requested his Excell^{cy} to transmitt those papers to this House relateing to the Report of the Commissioners of Customs to the Lords Commission^{rs} for Plantations & that his Lord^{sh}'s Answer was, that through his illness & distemperature of body he had forgott to bring those papers with him, but if this House desired to haue them he would send for them though he knew not how to give Express directions where readily to find them but that the substance of the matter was continued [contained] in the Letter he had already communicated to this House.

The house adjourns to ten of the Clock on *Monday*.

die Lunae 7^o May

THE Houfe meet & adjourn to two of y^e Clock *post meridiem*.

Post meridiem

THE Houfe mett

A bill declaring how the Charge arifeing by Criminalls fhall be paid for the future.

read the third time & paft *nemine Contradicente*

A bill directing how publiq claims fhall be certified for allowance read the Second time,

Resolved that it be engroffed & read y^e third time

A Report of the Committee of propofitions & greivances read by Coll *Milner* Chairman in his place and afterwards delivers it to the Clerks table.

The firft p^t of the report of the Committee relateing to an addrefse to be made to his Ex^{cy} for takeing of the Impofition of two hundred pounds of Tobacco for the Seal of the Colony being read is confirm'd & *Resolved* that an addrefse be drawn vp to his Ex^{cy} & that the Honourable Councill be requested to joyn wth this Houfe in prefenting the fame.

Resolved that the Committee of propofitions & greivances do draw vp an addrefse accordingly.

The third part of the Report of that Committee relating to cafting Ballaft in Rivers &c being read is approv'd & *Resolved* that a bill be accordingly drawn & brought into this Houfe by the Clarke.

The fourth part of the report of the Committee relating to an Encouragm^t for killing of Wolves being read is approv'd & *resolved* that a bill be accordingly drawn & brought into this Houfe by y^e Clerke.

The laft part of the Report of the Committee relating to Ordinary Keepers giving Credit to young freemen or Seamen being read is approved & *resolved* y^t a bill be accordingly drawn vp by the Clerk & brought into the Houfe.

A bill for an additionall law concerning Negroes or other flaves being read the third time

The Queftion is put whether the bill fhall pafs yea or no.

Resolved in the affirmatiue.

A Bill for repealing the act prohibiting the vnlawfull affembling of *Quakers* w^{ch} is read & *resolv'd* y^t it be read the fecond time

Cap^t *Brent*

M^r *Spicer*

M^r *Sherwood*

&

M^r *Hardedge*.

are appointed to p^{re}sent the bill for Ports &c and a bill declaring how the Charge arifeing by Criminalls fhall be paid for the future, to the hon^{ble} Councill & defire their concurrence therein.

They are likewise to wait on & remind his Excellency of a further answer to y^e addrefse relateing to a fee taken by M^r *Secretary* for recording of rights and Surveys.

M^r *W^m Edwards* comes into the houfe & brings an answer of the Councill concerning their joyning in an addrefse to his Ex^{cy} & alfo his Excell^{cy}s Answer to the faid Addrefse. Read as föll.

The Councills answer.

M^r *Speaker*.

His Excellency has been pleafed to communicate vnto his Ma^{ties} Councill of this Collony an addrefse from yo^r Houfe to his Ex^{cy} this day received relateing to the 6th Act of Affembly in *June* 1680, by w^{ch} addrefse yo^r Houfe have defired the conjunction
of

of the Councill who are concern'd to receive a motion from yo^r Houfe. in which they cannot concurr haueing an equall defire with you to manifeft their Zeal for the good of this Country, but to joyn with yo^r Houfe in an addrefse to his Excellency to declare Void y^e Proclamation you mentioned in yo^r addrefse they cannot joyn in vnlefs they fhould defignedly & knowingly difobey his Maj^{ties} comānd Knowing that the Proclamation iffued by his Excellency's repealing the 6th Act of Affembly in *November* one thoufand Six hundred Eighty two was in obedience to his Majefties Royall Comānd & fo being it was his Majefties Proclamation of Repeal to which the Councill held themfelves bound by all tyes of duty & Loyalty to yeild all due honor & obedience therefore ought not nor may not conjoyne in an addrefse of that nature

Signed by order of y^e Councill
Nicho Spencer

May 5th 1688

Sec^{ry}

His Ex^{cy} Anfwer.

Mr *Speaker*

The addrefse recd this day from y^r Houfe concerning the 6th Act of Affembly of *November* 1692 [1682] was by me So fully answered to a former Affembly that I did not now Expect a revivall of that debate nor that yo^r Houfe would in the leaft haue doubted the Veritie which I affirm'd, That the repealing proclamacon was directly purfuant to his Majefties Inſtructions to me for repeal & the matter now comeing So unexpectedly I cannot fo far at preſent ſatisfie yo^r Enquirie as to giue you the fight of his Majefties Comānd to me for y^e Repealing the Act of Affembly now vnder yo^r confideracon for that I haue not that Inſtruction in Town by me: however if you had not fo good an Opinion of me as by yo^r addrefse you have fo kindly Expreſt yet I could not haue doubted yo^r beleife of my affirmation in a Matter of fo high a nature as the Repealing an Act of Affembly by his Majefties proclamation, if by his Majefties Royall Authority had not been fo commanded to haue performed, in which if could have been either So imprudent or ill a Governour as to haue made uſe of fo high a point of prerogative without his Majefties ſpeciall Comānd thereto, I could not Expect that the forfeiture of my Governm^t could haue Satisfied the diſpleaſure of fo great fo glorious & juſt a King as God Almighty hath placed over vs who hath been pleaſed out of his tender care & goodneſs for the Subjects of his Plantations to appoint a ſelect number of the Lords of his Majefties moſt Honourable privy Councill a Committee for all Plantation affairs, & to their Lord^{ſhs} is faithfully tranſmitted all the Polliticall matters o^f the Government as orders of Councill Journalls of Affemblies Acts of Affemblyes & proclamacons with what Elſe is of moment in the Government by which meaſures his Ma^{tie} & Councill haue an accompt of all the tranſactions of y^e Government. Therefore if any Govern^r could be ſo indirec^t as to pretend the Kings Comānds in the minuteſſe matters he could not expect it would paſſe without their Lordſhips obſervation of it, & how heavy that would fall you cannot but know & yo^r Houfe cannot but Obſerve, that Acts of Affembly haue the full power & force of Acts of Affembly from their Juſt paſſing vnles either repealed by his Majeſtie or by a Succeeding Affembly, and if repealed by Succeeding Affemblies, ſuch Repeals haue taken of the force of y^e Laws repealed vnlefs his Majeſtie hath thought fitt to repeal the Repealing Laws, & under that circumſtance is the Repealing lawe yo^r addrefse relates Vnto for his Majeſtie haueing Repeald by proclamacon the repealing law it implyes y^e Law intended to haue been repealed by a repealing Law by a Succeeding Act of Affembly is as had never been becauſe repealed by his Majeſties Comānd, conſequently the firſt lawe ought to be taken to be of force.

And as I will not think yo^r Houfe queſtions whether the Kings prerogative in Plantations hath right to repeal by proclamation Lawes paſſed by Affemblies to which y^e Royall aſſent hath not been given, ſo I muſt tell you, I think this no Suitable time to argue this point, The whole body of the Lawes being now vnder Conſideration to be preſented to his Majeſtie for a Royall Confirmation & do with ſuch ſtruglings do not abate thoſe gracious & favourable inclinations his Majeſtie & Royall predeceſſors haue
ſhewen

shewen to this Countrey which vndoubtedly will bee so continued if you yo'selves by mistaking how far short the Subjects of Plantations are in point of priviledge to the Inhabiting Subjects of *England* do not put a stop thereunto & haue to tell you, that to ask of me the calling in & declaring void the proclamation of repeal, is to desire me to do what is not in my power, therefore hope you'll lay aside all debates of that nature & go on wth matters that may tend to his Majesties Service & yo' own good, to which you shall find my ready concurrence.

May 5^o 1688

Effingham

Cap^t *Brent*
M^r *Hancock Lee*
M^r *Peter feild*

Coll *Lawson*
Major *Swann*
& Cap^t *Randolph*

are appointed to consider his Excellency's late Speech & report to the House what they conceive fitt to be returnd in answer, & that they likewise consider y^e answers just now recd from his Exc^{ty} & the Councill to an addresse about reviving a repeald Law by proclamation & report to the House to morrow what Methods & Measures they shall think fitt to be therein taken.

A Report of the Committee of Claimes p^resented to y^e House & delivered to the Clerks table by M^r *James Bray* Chairman.

Cap^t *Brent* &c return & acquaint the House that they had waited on his Excellency & reminded him of an answer to the Addresse relating to a fee taken by M^r *Secretary*.

His Excellency's Answer was y^t he had it ready drawn vpon rough, it onely wanted transcribing, which should be forthwith done & sent to morrow.

They further acquaint this House that they had delivered the Bill for Ports &c & the Bill declaring how the Charge arising by Criminalls shall be paid for the future to the hon^{ble} Councill.

The House proceed to the reading of y^e Report of the Committee of claims:

Vpon reading a report concerning four runaway Servants belonging to M^r *Andrew Gravenrod* of *New York*.

Resolved that M^r *Robert Bollin* be impowered to demand & receive of M^r *Andrew Gravenrod* Eight hundred pounds of Tobacco for takeing vp four runaway Serv^{ts} belonging to the said *Gravenrod* w^{ch} they [the] Country hath paid & ought to be reimbursd

The house adjourns to Eight of y^e clock to morrow.

Martis 8^e May 1688

THE house mett

A bill to prevent the casting of ballast into Rivers & Creeks read & *Resolved* the same be read the second time.

A bill giueing reward for Killing of Wolves read, & *resolved* the same be read the second time.

A bill prohibiting Ordinary keepers to giue credit to Seamen & young freemen read & *Resolved* the same be read the second time.

A bill for Repealing the Act prohibiting the vnlawfull Affembling of *Quakers* read the Second time & *resolv'd* that it be ingrossed & read the third time.

An ingrossed bill directing how publiq claims shall be certified for allowance read the third time & *pass nemine contradicente*

Co^{ll} *Law Smith*
M^r *Park*

M^r *Wilson*
& Cap^t *Mason*

are appointed to p^resent the same & also a bill for an addicoñall Law concerning Negroes to the Hon^{ble} Councill for their concurrence.

It appearing to this House that the charge of Interpreters Yearly is very burthenfom to the Country & that the Office of Interpreter is found to be very Vnnecessary & vseless, it is therefore the *Resolve* of this House that the yearly Salary of fower thousand pound of

of Tobacco to each Interpreter be not for the future allowed, but that they be wholly discontinued & the Burgeffes of the refpective Counties where the Interpreters live are desired to giue them notice of this Refolve.

The house adjourns to two of the clock *post meridiem*.

post meridiem

THE House mett.

Coll *Law: Smith* &c return & acquaint the house that they had delivered the bills directing how publique Claims shall be certified for allowance & a bill for an additionall Law concerning Negroes & other Slaves to the Hon^{ble}

Councell.

A report of the Committee of propositions & Greivances read by Coll *Milner* Chairman in his place & afterwards delivered in att the Clerks table.

The first part of the Report relateing to Sherriffs receiving Publick dues being read is approved & *resolved* that a bill be accordingly drawn & brought into this House by the Clerke.

The second part of the Report relateing to Coll *John Custis* being read is approved & *Resolved* that the Gentlemen of the Committee of propositions & Greivances do accordingly draw vp an addresse to his Excellency & present it to this House for consideration.

Cap^t *Brent* &c present an answer to his Ex^{cy}'s last speech to this House w^{ch} is read by Cap^t *Brent* in his place & afterwards delivered in at the Clarks table.

Read as föll.

May it please yo^r Excellency

This house haueing well weighed & considered yo^r Excellency's Speech on *Saturday* last made to the whole House do most humbly answer That the bill for prohibiting Bulk Tobacco, w^{ch} yo^r Excellency is pleased to say, you expected before that time, is now vnder their consideration, & as soon as a positive Refolve is made which shall be with all possible and convenient Speed the Refolve of the House shall be presented to yo^r Excellency.

To the second this House humbly conceives that the Law restraining the planting tobacco after the last of *June*, is not only a good wholsom & convenient Law for the Country, but also as it seems to them is approved of by the Lords of the Committee for trade & foreign plantations & the Commissioners of his Mat^{ties} Customs, as appear by M^r *Blaithwaits* Letter, by yo^r Excellency transmitted to this House who hope the measures by their Lordships taken with the Lord *Baltimore* for his concurrence will prove Effectuall & therefore conceive the law ought not to be Repealed.

To the third about Expreffes for Conveyance of Letters &c This house had it vnder their consideration before yo^r Excellency by yo^r Speech made intimation thereof to them which consideration proceeded from the Report of the Committee of Claims in their allowances made to such messengers being prest although divers were disallowed for want of due probation doth amount to a very considerable part of the publiq Claims & therefore haue it in debate that an addresse be made to yo^r Excellency to remedie the irregularities & Exorbitances in those affaires by takeing of the preffures which not onely the Publick but particular persons do suffer vnder & in that addresse yo^r Excellency will receive some humble propofalls that may answer yo^r Excellencies demands in that part of yo^r speech.

To the last in relation to ports before yo^r Excellency's speech this house had voted into a bill & was ingrossed to be presented to the honorable the Councell of State in order to passe into a Law, which this House do humbly hope as it is of the greatest Weight & moment to the Country, so it will obtain the desired end because in y^e Letter yo^r Lordship transmitted to the House from M^r *Blaithwate* they cannot but with joy observe, the allowance and approbation the Lords Committees giue to all the parts of that Law for

Ports,

Ports, And the known concurrence the Lord *Baltimore* hath giuen by the strict Methods in *Maryland* taken to that degree that most of their Ports are filled with warehouses & all the trade of the Province brought to those Ports.

Ar: Allen Speaker.

Mr W^m Edwards comes into the house & brings his Excell^{cy} Answer to the addresse about a fee charged by *Mr Secretary* for Recording of Surveys & a branch of his Excellen^{cy}s Comission & likewise Answers from the hoⁿble Councill to two bills: the one how publiq claims are to be certified for allowance, the other a bill declaring how the Charge arising by Criminalls shall be paid—he likewise acquaints the House that his Excellency desires that the greivances of the respective Countys may be sent to him to night.

His Excell^{cy}s Answer read as föll

By his Excellency

Mr Speaker.

To yo^r addresse relateing to the fee Charged by *Mr Secretary* for Recording Surveys I then imediately returnd yo^r House answer that it being a concern of *Mr Secretary*'s & he not then come to Town, but dayly expected, thought fitt to deferr a full answer vntil his arrivall, & now haueing enquired into the ground of that fee the last year charged, do find it takes it's Justifica^on from an order of the Gen^l Court of *Aprill 29th 1687* made vpon a due Consideration had of a motion made by *Mr William Sherwood* obserueing in the course of his practice as an Attorney that many troubles & suites had arisen for want of a Record made of all Surveys return'd into *Mr Secretary*'s Office & finding it so necessary a Worke for setting forth the Originall of every individuall tract of land by patent granted, I found it fitt with the advice of the Councill to order & appoint all Surveys returnd to *Mr Secretary*'s office to be recorded & ordered a booke to be kept particularly for that Service as in all other his Majesties Plantations is accordingly performed & being the ground work from which all Patents take their being it ought not to be omitted & as this is a work most necessary, so it cannot be Expected that *Mr Secretary* & his Clarks should performe those cares & Services without a suitable consideration, therefore with the advice of the Councill, I ordered & appointed thirty pounds of Tobacco to be by *Mr Secretary* charged for the fee of recording every Survey which by vertue of his Majesties Royall Comission to me for Governor Gen^l of this his Ma^{ty} Collony of *Virg^a* (*inter alia*) I am autoriz'd & impowered to appoint, & it being intended wholly for yo^r goods in a plain Setting forth & ascertaining the bounds of Lands, did not expect the least hesitation therein: & for yo^r further satisfaction I haue sent you a Copy of that part of my Comission that impowers me with the advice & consent of the Councill to appoint Courts & ascertain fees.

May y^e 8th 1688.

Effingham

A branch of his Ma^{ty} Comission to his Excellency:

And we do hereby giue & grant vnto you full power & authority with the advice & consent of our said Councill to erect constitute & establishe such & so many Courts of Judicature & publick Justice within our said Collony & Dominion as you & they shall think fitt & necessary for the hearing & determining of all Causes as well Criminall as Civill according to law & equity, & for awarding Execution therevpon with all reasonable & necessary powers Authorities, fees & priviledges belonging vnto them.

The aboues^d is a true Copy of a Branch of my Commission,

May 8^o 1688

Effingham

Vpon the reading his Exce'lencies answer to the humble addresse of this House relateing to *Mr Secretareys* vnduely charging a fee for recording of Surveys, this House to their great sorrow observe, that in stead of finding releife in the redresse of that so generall a preffure & greivance, The action Receiues it's Justification from an order of the Generall Court dated the *29th of Aprill 1687* The house are therefore of opinion & accordingly resolve that the Committee of propositions & grievances prepare a written message to be p^resented to the honourable Councill setting forth the afore said together with a
state

state of this Dominion in relation to the many other preffures & Greivances the whole Country does at present grow vnder & that they likewise draw vp & prepare an addresse to be presented to his Excellency therevpon wherein the Hon^{ble} Councill may be desired to joyn wth this House & that they Report the same to this House.

The Councills answer to the bill directing how publick claims shall be certified for allowance.

By his Majesties Councill

Mr Speaker

The bill Entituled *a bill directing how Publique claims shall be certified for allowance* hath been seriously considered in which are of an opinion, that by a former Act of Assembly the matter is fully provided for, both as to the care of inspecting the accounts of publick charges & also the nature & payment thereof if continued in the like method as the former Act for allowance, & as this bill seems to intend & direct there needs no new Act to be passed therein, but are of the opinion that the wayes & methods proposed by his Ex^{ty} on *Saturday* last to yo^r House, is a way & means of lesse Charge, & of greater satisfaction to all persons who shall be employed in his Majesties & the Countrey's service, receiving present satisfaction for such services, will giue a Cheerfullnesse in performance thereof, Whereas the wayes & courses by this bill laid down for the obtaining satisfaction for publick services is attended with so much Charge & trouble to all persons in seeking after satisfaction for their services, w^{ch} together with the uncertainty of pay renders it no lesse greivous & burthenfom to the persons Serveing then if they had no allowances appointed or ordered for services so performed, therefore if yo^r House shall think fitt to prepare & passe a bill for the paym^t of publick Services in that easie regular & encouraging way & means prescribed, the Councill will readily concurr with yo^r House therein,

By command of y^e Hon^{ble} Councill

May y^e 8th 1688.

W: Edwards Cl Gen: Assembly

The Councills answer to a bill declaring how the charge arising by Criminalls shall be paid

By his Ma^{ties} Councill.

Mr Speaker.

Vpon reviewing the Journall of the last Assembly do observe that a bill was prepared by the then House of Burgeses entituled *an Act easing of the Country of the Charge of apprehending prosecuting & Executing Criminalls*, to which then vpon serious consideration such answer was returned by the Councill as was most agreeable in the concerne of that bill then in debate & the bill this day recd from yo^r house, differing little from the bill prepar'd the last Assembly Excepting in the Title thereof, & as little alteration can be made therevnto in the returne therefore for the prevention of wasting & spending time in debates so fully argued the last Assembly referr you to the consideration of your own Journall therein to which haue now only to add that the thirteenth Act of Assembly made in 1666 is most near & agreeable to the practice of *England* in the cases of Criminalls the Justices of peace of each respectiue County annually assessing vpon the Inhabitants for payment of y^e Charge of apprehending prosecuteing & Executing Criminalls & that fines & forfeitures are duely returned to the Excheq^r & Estreated to the King's Majesties vse & service

By the command of y^e hon^{ble} Councill

May y^e 8th 1688.

W. Edwards Cl Gen^l Aff^r

In answer to a verball message even now recd from his Excellency by Mr *William Edwards* desireing the Greivances of the respectiue Counties may be transmitted to his Excellen^{cy}

Mr *Arthur Spicer*

Mr *Kendall*

Cap^t *Ball*

& Mr *Bollin*

are appointed to wait on his Ex^{ty} & acquaint him that many greivances of the respectiue Counties still lie before the Committee appointed for the inspecting the same & that

as they hitherto haue so they shall continue as they are reported from that Committee to this House [to] p^rsent such of them to his Excellency as this House shall conceive worthy his Ex^c^ys Knowledge.

The same Gentlemen are appointed to carry the Answer to his Excellency's last Speech.

The house adjourns to to morrow Eight of y^e Clock.

Mercury 9^o May 88^o

THE House Mett

The Committee of propositions & greivances present to the House an addresse to his Excellency relating to Coll *Custis* which is read, & ordered that it be transcribed & presented to his Excellency

is as followeth.

To his Excell^y Francis Lord Howard Baron of Effinghã his Majesties Lev^t & Governor Gen^l of Virginia.

The house of Burgeffes now affembled

Humbly present

This House haueing considered the greivances of the Counties of *Northampton & Accomack* ag^t Coll *John Custis* Collector of y^t district, wherein the Inhabitants of those Countyes complaine of his great Exa^ctions, & extorting of vnjust & vnreasonable fees from Masters Merchants & traders there to the great decay of their trade & discouragm^t of Navigation insomuch that many Masters & Merchants who form^{ly} traded in those parts haue now wholly deserted the place, And to the end that such his vnreasonable vnjust & arbitrary proceedings might not be detested [detected?] & the Inhabitants & other traders therein releived, att the Election of Burgeffes in the County of *Accomack* presuming on the dignity of his place & great authority at their giving their greivances in writeing to their Burgeffes, expresse many threatening & menacing words to the people & shakeing his Cane with much fury & saying his Ex^c^y should [not?] see that paper which he then took away & deteined, & did comãd y^t in case they did proceed to draw vp any Greivances that he might haue the Veiw of them by which the people being terrified & affrighted drew vp no other aggreivances att that time, all w^{ch} proceedings being contrary to law & highly prejudicial to the Priviledges of the Inhabitants of this his Ma^{ty}s Dominion of *Virginia* & of very Evil consequence to the peace and wellfare of the Country.

This House therefore do humbly supplicate yo^r Excellency as well on the behalfe of the Inhabitants of those Counties as of all his Majesties Subjects in this his Dominion that yo^r Excellency will be pleased to apply such fitt remedies as by the laws of *England* are provided for p^rventing Such vnarrantable practices & arbitrary Exa^ctions & also that the Inhabitants of this his Ma^{ty}s Dominion, may not for the future by the power or greatnesse of any person be hindred or molested in giveing in their just greivances for redresse by Generall Assemblies according to his Majesties Writt for Election of Burgeffes.

Cap^t *Applewhite*

M^r *Whittaker*

Cap^t *Leer*

&

M^r *Dudley*

are appointed to p^rsent the said addresse to his Excellency.

The house adjourns to two of y^e Clock *post meridiem*

Post meridiem

THE house mett.

Cap^t *Applewhite* &c return & acquaint the house that they delivered the aforefaid addresse to his Excellency.

M^r *W^m Edwards* comes into the house & brings the bill for an additionall law, concerning Negroes & other slaves wth the Councils dissent indorst & their Answer to

to the bill for ports &c & likewise his Excellency's Reply to an answer of this house relating to his Excellency's last speech to this house.

The Council's answer to the bill for Ports &c

Mr Speaker

As to yo^r bill prepar'd for Ports it admitts not of an argum^t because the former bill of the like nature vnder his Ma^{ties} Consideration hath not rec^d determination & to proceed to the passing a law in matter of that moment before haue Received his Majesties approbation or disallowance of the former bill p^resented would be as we conceive not onely too forward a pressing the matter but vndutifull therefore ought not further to take that bill vnder consideration—then to return for answer, that we hope yo^r house will haue Equall patience with vs in the matter we earnestly desire to wait his Majesties pleasure as knowing what's best & fittest for vs.

By command of the Council

May y^e 9th 1688

W. Edwards Cl Gen: Assembly.

His Excellency's reply

By his Excellency

Mr Speaker

Though I did not at the first meeting of this Assembly expect that yo^r house could haue taken so long time in debateing a matter so much intended for yo^r own good as the preparing a bill in order to the passing it into a Law for prohibition of Bulk Tobacco, yet being in Expectation that when the bill comes from yo^r House, it will in all respects be so well agreeable to what hath been recommended to yo^r consideration by his Majesties gracious Commands as that I may readily giue an assent vnto it, I shall not think the time long.

As to what you haue offer'd in the relation to the not repealing the law restraining the Planting Tobacco. I conceive you mistake the meaning of M^r Blaitwait's Letter in which that their may be a right vnderstanding by the Council & yo^r house I haue thought fitt to propose that there be a conference held between some Gentlemen of the Council & such members of yo^r house as yo^r house shall find fitt to appoint: I do not doubt but when you haue fully considered what I offer'd unto yo^r consideration for the reward & discharging of publick messengers & services but that you will find the wayes & means that I proposed vnto you will be most easie to the publick & satisfactory to the persons serving, and you shall find me very ready to assent to any regular & reasonable means for the Easing the publick Charge & Suffering of particular persons by those wayes & means that haue been formerly taken for the conveying Expresses & other Services of that like nature.

As to what you haue last offered in relation to Ports, the Council tells me they haue giuen their opinion thereon vnto yo^r house, which hope will be Satisfaction to you.

May y^e 9th 1688.

Effingham

Cap^t Brent &c p^resent to the House an application to the hon^{ble} Council which is read as followeth

May it please yo^r honors

It is not a little dissatisfaction to this house to find both in his Excellency's & your answer to the addresse for calling in the proclamation that repeals the Repealing law and re Establishes that Concerning Attorneys, That yo^r house haue So much mistaken the intentions of this house whose design was when that addresse was delivered to your hono^{rs} that if yo^r honors should not think fitt to joyn wth vs in the same that you would please to return that together with yo^r Answer to the house thereon. And to that end the members which were appointed to wait vpon yo^r honors with the Same were Sent That the said addresse might be presented from yo^r honours to his Excellency & not from his Excellency to yo^r honors as we find it hath been done what now remains is that wee beseech yo^r hono^{rs} to look vpon the mistake as it is & to joyn with vs in our humble addresse

dreffe or to caufe it to be return'd to the houfe again, which would not haue been Sent to his Excellency but by yo^r honor's advice consent & concurrence

Signed by order of the houfe

F P Cl

M^r Wilson & Cap^t Whittaker

are appointed to wait on & prefent to the hoⁿ^{ble} Councill the faid application.

A report of the Com^{it}tee of propofitions & Greivances read by Coll Millner Chairman in his place.

& afterwards delivered in att the Clerks table & read as followeth

Whereas this Houfe vpon Examination of the many greivous Complaints of his Majefties good Subjects of this his Dominion of *Virginia* haueing been fully convinced & made fenfible that many vnlawfull and vnwarrantable fees & other duties haue been vnder colour of his Majefties Royall authority vnjuftly impofed vpon & exacted from them, & that diuers new vnlawfull, vnpreſented & very burthenſom & greivous wayes & deviſes haue been of late made uſe of to the great impoveriſhing Vexing & vtter vndoing of many of his Majefties Subjects of this his Dominion, for redreſſe & remedy whereof this houfe & the Houfe of Burgeſſes of preceding Affemblies haue made Severall humble addreſſes to his Excellency the Govern^r But the ſame haueing not mett with that favourable Reception & anſwer as was Expected & the cryes of thoſe that are greiued & oppreſſed by the means aforeſ^d peircing our hearts as well as Ears.

And in Regard this houfe alſo think themſelves nearly concerned to foreſee & as much as in them lies to prevent the dangers that might attend the Publick peace of this Country if fitting remedies be not applyed by the effectually redreſſeing theſaid Greivances

It is therefore Reſolv'd by this houfe that the hon^{ble} his Ma^{ty} Council of ſtate of this his Dominion be deſired to joyn wth this houfe that they may together humbly lay before his Excellency all ſuch greivances & preſſures as this poor Country at preſent groans vnder & particularly theſe following humbly deſireing redreſſe therein.

fiſt That as we ſhall never diſpute how farr his Ma^{ty} Royall prerogative may be Extended in the Repealing any Act or Law of this Country, not haueing the Royall aſſent, wee think it our duty once again to declare, that when an Act or Law of this Country which hath not the Royall Stamp vpon it, hath been repealed & declared void by the ſame Authoritie that made it a law, it is abſolutely reduced to nothing & all things therein mentioned are as if that fiſt law had neuer been made & that therefore the Repealing or declaring Void the ſaid Act of Repeal by a proclamation can no more reinforce & revive the fiſt Act thereby repealed, then Such a Proclamation can make a new Law, for w^{ch} reaſon his Lord^{ſh} Proclama^{con} declaring of the Act for Repealing of the 6th Act of Aſſembly of *June* 1680 about Attorneys to be void, & that the ſaid Law ſhould thereby be reuiued & haue the full force & ſtrength of a law is ill grounded vnwarrantable & of dangerous conſequence & therefore it is humbly deſired that the ſaid Proclamation be called in & declared void.

Secondly that amongſt the many other gracious priuiledges & im^munities granted to this his Majeſties moſt antient Colony & Dominion by his Majeſties Royall Anceſtors there hath been a Publique Seal granted to & belonging to the ſame which hath been from time to time Changed & renewed as hath been lately done by our gracious Soueraigne whom God of his infinite mercy preſerve wth a long & a happy Reign Over vs & the ſaid Seales haue from the fiſt ſettling of this Country been uſed for the better authenticateing all pattents for Land or other Publick Grants & Inſtrum^{ts} for which no other fee was ever demanded pretended to be due or taken but what by law was allowed to his Majeſties Secretary of State here & is included in his fee for ſuch pattents & other Inſtruments.

And that therefore the fee of two hundred pounds of tobacco & Caſke lately impoſed by his Excellency vpon every perſon that either actually Sues for & deſires the Seal of this Countrey may be annext to ſuch patents & other Inſtrum^{ts} that his Lordſhip is pleaſed to think ought to haue the ſame being impoſed by his Lordſhips ſingle Authority

thority is contrary to law & common Right & greatly oppressive, for although the Party never desires or knowes of it untill the Sherrieff who is to collect the same demands it, & declares vpon refusall of payment that he will deftrain for it, & that the same for increasing the profitts accrewing thereby is with or ag^t the parties will & desire affixed to all probates & adminftracions & other Instrum^{ts} of lesse value & consequence, although the whole Estate amount not to twice the Value of such fee, & although the party never sue for or have the same the fee is Charged & the party forced to pay it as aforef^d without receiving any benefitt thereby which being So greivous an Oppression is desired to be forthwth redressed.

Thirdly that the fee of 30^l of tobacco demanded by M^r *Secretary* for Recording all Surveys of land when in truth no Such thing is necessary to be done or if it were no fee due for the same in regard the Survey or bounds of all lands granted by his Majestie is included in the Body of the Patent for which a Sufficient fee is by law Eftablished And the vnjust & vnreasonable fee of five pounds *sterling* Exacted by Escheators for every office found or Escheat made being Exceeding greivous & burthenfom is desired to be redressed.

Fourthly That all fines & forfeitures being by law appropriated to his Majestie for the better support of the Governm^t & defraying the contingent Charges thereof & whereof there hath been no account rendred to the Assembly and the Charges of prosecuting Criminalls Impressing Messengers for conveying of Publiq Letters & other things of that nature amounting to a very great yearly charge which is conceived ought to be defrayed out of his Majesties Revenue of this Country, & the said fines & forfeitures & that the Publick Levie by the pole vpon all the Inhabitants of this Country ought not to bee burthened with the same & this Country by reason of the lownesse of the price of tobacco being reduced to extream poverty & generall feeling & complaining of the great burthen of the before mentioned & other Levies & Charges which they are not able to support, It is therefore humbly desired that the same be speedily redressed.

May it please yo^r Honours

This House for the redressing the aforerecited Greivances & preffures do desire you the hon^{ble} Gen^a of his Majesties Councell to joyn with this house in an addresse to his Excell^{cy} about the same & do pray if it shall be agreed vnto by you to assigne some of the honourable Councill who together with some Particular members appointed by this House for that purpose may consider of such an addresse to his Excellency as is fuitable for yo^r honors & this House in the name of themselves & all the Inhabitants of this Country to present.

This Committee hauing taken into their serious consideration that part of his Excellency's speech at the first opening of this Assembly relateing to a prohibition of Bulk tobacco being hence Exported & therein obserueing that the reason of that proposition is derived from a Sense our most gracious Soveraign has that the same may be advantageous to the Inhabitants of this Country vpon a Petition presented to his Majestie on our behalfs & this Committee not vnderstanding that ever any addresse was by the Generall Assembly or by order or desire of the Representatives of this his Majesties Dominion presented to his Majestie for or concerning the Prohibitting of Bulk Tobacco did therefore Enter into a strict Examination & search to Informe themselves by what means it was Represented to his Ma^{ty} That We his Majesties Subjects residing here should desire such a prohibition do find that the same was Effected by severall Merchants residing in *London* who conceiving such a law made here would answer their Particular Interest & profit & therevpon vseing all endeavors to procure the same did boldly and p^rsumptuously vndertake to petition his Majestie without our privities knowledge & agreement In the least, in our names as well as their own therein setting forth on our behalfes that it would be much for the advancement & good of this Country.

By means of which p^rsumptuous Petition & misrep^resentacō of the Merchants abovesaid This Committee do humbly Suppose his Majestie was induced to beleive that the
said

saide petition was presented to his Majestie as the desire of the Inhabitants in Generall of this Country & there vpon his Majestie out of his most gracious inclinations and speciall favour to this his Dominion intending the good thereof (for although we have been vntruly represented by the saide Merchants petition as being without our knowledge or desire wee must needs own our Selves highly Sensible of his Majesties grace & favour) hath ordered & commanded that we together with *Maryland* should pass such a Law as might prohibit & forbid the Exportation of Bulk Tobacco from hence.

Wherefore this Committee vpon their deliberate Weighing of the p^rmisses, fearing to report their p^articular opinion in so Weighty a matter humbly submitt it to the Considera^on of the whole House praying that it may be there debated whether a bill shall be prepared for that purpose to take it's commencem^t & force when it shall be assuredly known that the like Act is without fail to take place in the Province & Government of *Maryland*.

That part of the Report of this Committee relateing to an application to be made to the Honourable Councill of State to joyn with this house in representing the Gen^l Greivances & preffures of this his Majesties Dominion to his Excellency & to pray his Excellency for a speedy redresse is approv'd by the house & ordered to be forthwith transcribed & presented to their Honors for their concurrence therein.

That part of the Report of the Committee relateing to y^e bringing in a bill prohibiting the Exportation of Bulk Tobacco is referred till to morrow for a further debate thereon

A bill for the Encouragement of the Inhabitants of *Brenton* read & *resolved* that the same be read the second time

A bill for Repealing the Act prohibiting the vnlawfull assemply of *Quakers* read & past the third Vote.

A bill to prevent the casting of Ballast into Rivers & Creeks read the Second time.

Resolved that it be ingrossed & read the third time.

A bill giueing reward for killing Wolves read the second time.

Resolved that it be ingrossed & read the third time.

A bill prohibiting Ordinary-Keepers to giue Creditt to Seamⁿ & young ffreemen read the second time.

Resolv'd that it be ingrossed & read the third time.

A bill for Sherriffs receiueing Publick dues read & *resolved* the same be read the second time.

Coll *Law Smith*

M^r *Read*

Cap^t *Crawford*

&

M^r *Harminson*

Are appointed to present to the honourable Councill A bill for repealing the Act prohibiting the vnlaw^l Assembling of *Quakers* & the Report of the Committee of Claims

M^r *Wilson*

&

Cap^t *Whittaker*

return & acquaint the House that they had delivered the application to the honourable Councill.

The house adjournes to Eight of y^e Clock to morrow.

Jovis 10^o May 1688

THE house Mett

Coll *Law: Smith* &c acquaint the House that last night they delivered the bill for repealing the act prohibiting the vnlawfull assembling of *Quakers* & the Report of the Committee of Claimes to the hono^lble Councill

A bill for Sherriffs receiueing publick dues read the second time & *Resolved* that it be Engrossed & read the third time.

A bill for the Encouragement of y^e Inhabitants of *Brenton* read the second time & *resolved* that the same be Engrossed & read the third time.

A bill to prevent the casting of Ballast into Rivers & Creeks read & past the third Vote.

A bill giueing reward for killing of Wolves read & past the third vote.

Mr *Sherwood*

Coll *Lawson*

Mr *Barbar*

Mr *Allumby*

& Mr *Bollin*

are appointed to deliver to the hon^{ble} Councill a bill to prevent the casting of Ballast into Rivers & Creeks

A bill giueing reward for killing wolves & a bill prohibiting Ordinary Keepers to credit Seamen & young freemen & to desire their Concurrence.

They are likewise ordered to present to their honors a written Message expressing the earnest intreaties of this house that they would please to joyn with this house in drawing an addresse to his Excellency setting forth the many greivances oppressions & Exactions the whole Countrey in Generall does at p^{sent} groan vnder & to supplicate his Excellency for a speedy releife therein & their honor^s as soon as conveniently they can, would please to return their answer to this House

Mr *Sherwood* &c return & acquaint the house that they delivered the said bills & application to the honourable Councill.

The house reassumes the debate on that part of y^e Com^{tees} report relateing to the bringing in a bill prohibiting the Exportation of Bulk tobacco.

The Question being putt whether a bill prohibiting y^e Exportation of Bulk tobacco be brought into this house yea or nay

Resolv'd in the Negative

Coll *Milner*

Cap^t *Brent*

Mr *Spicer*

Mr *Sherwood* &

Cap^t *Randolph*

Are appointed a Com^{tee} to consider of what may be fitt to return in Reply to his Excellency's answer dated the 2^d of this Instant *May* in relation to the late collected Body of the Lawes & report the same to the House;

Mr *Christopher Robinson*

Maj^{or} *Swan*

Cap^t *Smith*

Coll. *Lawson*

&

Cap^t *Cary*

are appointed to draw vp Such reasons as to them shall seem convenient why this house hath not complied with his Excellency's propositions at the opening this Assembly for the bringing in a bill to prohibitt the Exportation of Bulk tobacco & report the same to this house.

Mr *W^m Edwards* comes into the House & brings his Ex^{cys} answer to the addresse relateing to Coll *Custis* & his Excell^{cy's} demand of all the greivances of the respectiue Counties.

As also a returne from the hon^{ble} Councill to a message dated *May* y^e 9th sent to their Honors as föll.

By his Excellency

Mr *Speaker*

I cannot but say that with concerne I rec^d yo^r addresse of this dayes date chargeing a Gentleman so worthily deserving as Coll *Custis* with Exactions in the p^{er}formance of his office of Collector to which he was Com^{ission}ated by his Majesties Especiall grace & favour for his good Services performed: the Charge is generall & therefore can at p^{sent} onely returne a Generall Answer that I shall neither Excuse him nor any Gentlemen else acting in any publiq Station who vnder pretext of his Majesties Com^{ission} or mine shall Exact Exorbitant or vnjustifiable fees & if it be made out vnto me in particulars that Coll *Custis* hath been to blame I shall not be wanting in my part of Justice for so great offences & that I may be p^{ar}ticularly Inform'd will make enquiry into the Matter of the Exaction of fees if any Such hath been and shall accordingly giue Remedy.

And Whereas Coll *Custis* is charged to haue passionately demeaned himselfe at the Election of Burgeesses for the County of *Accomack* in takeing down a paper filed vp as the greivances of that County & thereby as is said terrified the Inhabitants as I cannot but

blame

blame his over haſty actings tho the paper taken down could not be ſaid to be the greivances of the people not being Signed & ſo poſted vp looked not well Yet I do much diſallow ſuch acts of heats & paſſion, & more eſpecially when the freeholders were aſſembled on that weighty occaſion in which ſhall ſo caution Coll *Cuſtis* for the future that no paſſions ſhall carry him into Such Acts of heat

May y^e 9th 1688.

Effingham

By his Excellency

Mr *Speaker*

I expected the agrieivances to haue been ſent unto me from yo^r houſe according as I defired & as hath been vſuall by former aſſemblyes which free communication as I am informed made a Smoothneſſe in buiſneſs, I haue therefore again ordered the Clark with this Meſſage unto you to lett yo^r houſe know I expect all the aggreivances to be ſent vnto me.

May 10th 1688

Effingham

The Councils anſwer to the Application

Mr *Speaker*

If the addreſſe from yo^r houſe relateing to the Sixth act of Aſſembly *November* 1682. was as you now ſay firſt intended to haue been offered to the Council for their Concurrency than yo^r meaning & the title of y^e addreſſe was very different, y^e title being, to his Excellency *francis* Lord *Howard* of *Effingham* his Majeſties L^t & Gouvernour Generall of *Virginia* & the whole addreſſe excepting one poor line & that by way of parenthesis, was in all its Expreſſions directly to his Excellency y^e Council being ſo ſlightly mentioned therein, & not being of ſo peircing underſtandings as to look into the hearts of men, to know whether they mean as write [written] were vnder Conſideration whether they were concerned to make their diſtinct returne in w^{ch} though ſo ſlightly noated vnto them, yet to aſſure your Houſe they will not be backward in giueing them all readie & poſſible ſatiſfaction made their full & diſtinct Anſwer which was done vpon ſo due conſideration that they conceive there needs no Second Reply neither can they otherwayes concurr with yo^r houſe in an addreſſe of that nature,

Signed by order of the Council

W. Edwards Cl Gen: Aff^{ly}

The houſe adjourns to two of y^e Clock *poſt meridiem*

Poſt Merediem

THE Houſe mett

Vpon reading his Excell^{cy}s Anſwer to the addreſſe relateing to Coll *Cuſtis*.

This Reply is thought fitt to be made thereto.

May it pleaſe Yo^r Excellency

This houſe haue proceeded with that Caution & Circumſpection in Examining the complaint made ag^t the honourable Coll *Cuſtis* that they are readie when ever yo^r Excellency commands it fully to make out the ¶ticulars wherewith he is charged.

Signed by order of y^e Houſe

Ar: Allen ſp:

Vpon reading his Excellency's meſſage for demand of the grievances the houſe think fitt to return this Anſwer

May it pleaſe yo^r Excellency

This houſe did well hope their anſwer to a Verbal Meſſage from yo^r Excellency the Eighth Inſtant requireing the grievances of the reſpective Counties to be ſent from this houſe to yo^r Excellency would haue given full Satisfaction in that point but finding by yo^r Excellency's Comands even now Received that you ſtill expect this houſe ſhould tranſmitt to yo^r Excellencie all and every the aforeſaid greivances are obliged to return this Anſwer That vpon the ſtricteſt enquire they can make they cannot find that ever
any

any such demand was heretofore made neither is it possible for this House any otherwaies to comply with yo^r Excellency's Comands therein then by the visuall methods of former assemblies in presenting such or so many of them as this House haue or shall think worthy yo^r Excellency's knowledge for redresse

Signed by order of the house

Ar Allen sp:

Mr *W^m Edwards* comes into the house & brings from the honourable Councill the Report of the Committee of Claims with the Councill's answer to the same.

The house adjournes to Eight of the Clock to morrow.

Veneris 11^e May 1688.

THE house mett

Mr *W^m Edwards* comes into the house & brings the Councill's demand of the severall Greivances of the Country w^{ch} is read as followeth.

Mr *Speaker*

As to yo^r request to y^e Councill to joyn wth yo^r house in an addresse to his Excellency for the redresse of y^e greivances of the Subjects of this Collony, which you say is from the Examination of the greivous Complaints of his Majesties subjects of this Dominion, In which that wee his Majesties Councill may be made Sensible what greivances the people of the Countrey do complain of desire you will send vnto the Councill the greivances Presented vnto yo^r house being you desire the concurrence of the Councill in an addresse & when haue seen & considered them yo^r house shall not fail of a fuitable returne

Signed by order of the Councill

May 11th 1688.

W. Edwards Cl Gen Affem:

A bill for Sherris receiving Publick dues read & past the third vote.

A bill for the Encouragem^t of the Inhabitants of *Brenton* read & past the third vote.

Cap^t *Jfofter*

Mr *Pinkard*

Mr *Kenner*

&

Mr *Dudly*

Are appointed to wait on his Excellency & p^rsent him the reply to his Excellen^{cy}'s answer relating to Coll *Custis* & an answer to his Excellencys demand of the greivances.

They are likewise to wait on the honorable Councill & P^rsent a reply to their Hono^{rs} answer to the Report of the Committee of Claims A bill for Sherriffs Receiving publick dues & a bill for Encouragement of the Inhabitants of *Brenton*.

Cap^t *Jfofter* &c return & acquaint the House they had presented the aforefaid reply & answer to his Excellency &, also the Reply to the Councill's Answer wth the two afore^sd bills to the Honorable Councill.

The Report of the Committee appointed to consider what may be fitt to return in reply to his Excellency's Answer dated the Second Instant *May* relating to the body of the laws read by Coll *Milner* Chairman in his place & afterwards delivered in at the Clarks table which is approved & resolved that the same be fairly transcribed to p^rsent to his Excellency is as followeth.

May it please yo^r Excellency

The house of Burgeses having considered the severall addresses of the house of Burgeses of severall former assemblies & of your Excellency's Answer to the house of Burgeses dated *May 7th 1684* wherein yo^r Excellency was then pleased to assure the house that you would make it your care that the Lawes should be revived with directions for such observations as should be found necessary to be made in the body of the Lawes & so to be reported to the next Generall Assembly for their Consideration & approbation to the intent they might be accordingly by the Generall Assembly humbly P^resented to his Majestie for his allowance & yo^r Excellency haueing been pleased the Second Instant to send them So collected to this house in Compliance to their addresse.

Now

Now may it please yo^r Excellency this house considering that that Collection or Revissall haueing taken vp so much time & paines of those honourable persons who were by yo^r Excellency appointed therevnto as being a work of that Weight & moment it will likewise require a due Serious & deliberate Consideration of this House, which time now dureing the fitting of this Assembly cannot possibly be afforded this house do therefore humbly pray yo^r Excellency that some of the honourable Councill appointed by yo^r Excell^{cy} together with some select members of this House may by law be appointed to inspect and peruse the said Collection & to consider the same, & to report their observations made therevpon to yo^r Excellency y^e Hono^rable Councill & the Burgeesses of the next Assembly to the intent they may be humbly presented to his most sacred Majestie for his confirmation

Signed by order of the House

Ar: Allen. Sp:

The report of the Committee appointed to draw vp reasons why a bill for prohibiting the Exportation of Bulk Tobacco is advantageous neither to his Majestie nor this Country read by M^r *Christopher Robinson* in his place & afterwards delivered in att the Clark's table is approv'd as followeth

To his Excellency Francis Lord Howard Baron of Effingham his Majesties L^t & Governor Generall of Virginia.

The house of Burgeesses now assembled humbly present

That vpon takeing that part of yo^r Lord^{sh}'s speech made at the first opening of this Assembly relating to the prohibiting the Exportation of Bulk Tobacco into their Considerations wherein yo^r Excellency was pleased to acquaint vs that it was our advantage & happines which occasion'd this meeting & that with the addition of his majesties Special grace & favour, for no sooner was his Majestie petitioned on our behalves that there might be a prohibition that no Tobacco might be Exported in Bulk for the future but that his Majestie not onely granted the petition but with this gracious condescension that his Majestie referd it to vs to be our own Carvers & please our Selves in the method of a law for the prohibition of Bulk tobacco, We cannot but with hearts full of all humble duty & thankfulness to our most gracious Sovereigne whom God almighty preferue with a long & happy Reigne Receive those offers of his Majesties Especiall grace & favour to vs. for notwithstanding that the petitioners' were only some few Merchants residing in *London* amongst whom were but three Inhabitants of this Country who had no Comission to present any petition on our behalves & as may plainly appear neither therein considered his Majesties Interest nor the Interest of this poor Country but wholly designed their own private comodity & gain & by their fair but false pretences wherein they misinform'd his Majestie by Pretending the prohibiting the Exportation of Bulk tobacco would be very much for his Majesties service & the advantage of this Country obtained of his Majesty to recommend to the consideration of the Generall Assembly of this Country, the passing of a Law to that purpose.

Yet his Majestie haueing out of his Royall goodnesse & favour towards his dutifull Subjects of this his Dominion whose advantage his Ma^{ty} intended thereby as we conceive left vs to judge whether it would be for our Interest or no, & the same haueing been fully weighed & seriously debated & considered by this house we are of Opinion & accordingly haue resolv'd that the makeing a Law for prohibiting the Exportation of Bulk Tobacco would be very Prjudiciall to his Majesties & this Countrey's Interest amongst many others for the reasons hereunto annexed which we humbly offer & hope the same will be satisfactory.

Reasons ag^t the Prohibition of exporting Bulk tobacco out of *Virginia*.

first It is either directly ag^t or at least not to y^e advancement of his Majesties Interest, for it being alledged y^e great quantities of Tobo exported in Bulk is a means of the decay of trade & lessens the price of tobacco much of it being small thin trash not worth packing in Cask & consequently would be left in the Country.

It

It is answered that his Majestie hath the same advantage in his Customs by the worst as by the best tobaccos. The duty being equall vpon it all & therefore all encouragement ought rather to be given in respect of his Maties Interest that all tobaccos should be Exported from hence & carried for *England* to which may be added that notwithstanding the liberty of Exporting Tobacco in Bulk the Shipping that usually trade hither are not sufficient to carry out all the tobacco annually made & consequently the prohibition of it would lessen his Maties Customs to that value. But supposing the Importation of Bulk tobacco into *England* were prejudicial to his Majestie in his Customs which will never be granted by any man that knowes how Excellent a Method the commissioners & other Officers of the same manage them in, & how impossible it is now to Smuggle any goods (as the petitioner calls it) no understanding man will we hope from thence conclude that the making a Law against the Exportation of Bulk Tobacco out of *Virginia* can be a sufficient remedie. Except it be granted that the Laws of *Virginia* are of force as well in *England* & other places without the limits of the Governm^t of *Virginia* as they are within the said Governm^t.

Secondly It is against the Interest of *Virginia*

Because it would greatly discourage all small Vessells trading hither who supply us with all manner of course goods cheaper then they can be brought from *London* y^e freight of what they can carry in Caske not being Sufficient to pay the men's wages and defray other charges, And it would as much discourage Seamen from undertaking so laborious and hard a Voyage which the small priviledge they now enjoy invites them to & would neither be for his Majesties service nor our Interest to give them an equivalent encouragement out of our pocketts, it would be Extraordinary Injurious to the Planters in debarring them from disposing of their small Parcells which they have commonly left at the finishing their Crops & as the Petitioner's say it would raise freight a sixth part or more which perhaps might be to the Petitioner's Profit but would be greatly injurious to *Virginia*.

Thirdly It would not be any advantage to trade nor be any means to advance the price of tobacco, for if it be granted that all the tobacco now usually Bulked would be packed & carried for *England* in Cask as it must be or otherways his Majestie would be a great loser in his Customs the same quantity whether imported in Caske or Bulk would have the like Effect vpon the Market, it must be also granted by all Experienced traders that it is with this as with all other Commodities when it is plentiful it is cheap when Scarce it is dear let the quality be what it will.

Fourthly The Secret & unlawful Exportation of Bulk and other tobaccos out of this Country can never by any Law be effectually prevented except as it hath been often humbly desired by this & former Assemblies certain ports & places of Landing & shipping of all Goods in this Country were appointed where the Officers of his Majesties Customs here might attend & would be able to prevent all Such frauds.

Fifth. That the Government of *Virginia* have little reason as this house are of Opinion to thank the Petitioners for their care of it's Interest in this Particular there being the same duties payable vpon all tobaccos exported in Bulk, as for what is Exported in Caske proportionably.

And lastly it being onely intended that we should pass Such a Law in conjunction with *Maryland*, & it not appearing to this house that the Governm^t of that Province hath so much as any authentick notice thereof, it cannot be presumed they should joine with us, in passing the like Law which would be so much to theirs as well as our disadvantage & it may be easily discerned if they should not joine in Such a prohibition how advantageous it would be to that province by drawing all the trade to it to the irreparable losse & injury of this Country.

All which reasons are humbly offer'd by this house to yo^r Excellency's consideration with our humble desires that the same may be in due time transmitted to his Majestie & then we doubt not but all our doings herein will meet with his Royall approbation.

The house adjourns to two of y^e Clock *post meridiem*

Post

Post Meridiem

THE Houfe Mett.

Coll *Lawfon*
Mr *Hardedge*

Mr *Barbar*
Cap^t *Ball*

& Mr *ffeild*.

Are appointed to wait on & prefent to his Excell^{cy} the two before recited addreffes.

Coll *Lawfon* &c return & acquaint the Houfe that they delivered the faid addreffes.

Vpon reading a Meffage from the hon^{ble} Councill of this dayes date defireing the Greivances now lodgd in this Houfe may be tranfmitted to them

The Houfe think fitt to return this following anfwer—

In reply to yo^r honors Anfwer to the Meffage of this houfe requefting yo^r concurrence in an addrefse to his Ex^{cy} laying open Sundry greivances of this Country This houfe doth humbly offer, that although it be contrary to the priviledge & practice of this Houfe which is the Grand Inqueft of the Country to intimate the greivances thereof otherwife then by addrefse or bill for redrefse of the fame ready prepared to that purpose, Yet this houfe are fo earneftly defireous of all means that may be imagined pro^p to the obtaining the end aimed at.

The eafing this poor Country of it's preffures that they are Chearfully willing to waue both Cufdom & priviledge provided the fame may not be drawn into prefident for the future that they do humbly propofe (for a right vnderftanding) a free conference of Some Members of this houfe to meet & conferr with Such & fo many of the hon^{ble} Councill & at Such time & place as yo^r honors fhall appoint who fhall bring with them the greivances of the feu'all & refpective Countys in writeing relateing to that Meffage for yo^r Honor's P^{ro}vfall, as alfo fatisfie your honors in any other point or Queftion that may be requifite to your fatisfaction & applicable to the State of fuch conference to the end yo^r hono^{rs} (as expected) may readily joyn wth this houfe as requested

Signed by Comand of y^e houfe

ff P:

To that part of his Excellency's Meffage the 9th Infant relateing to a conference, The Houfe think fitt to return this following anfwer.

May it please yo^r Excellency.

In a Meffage from yo^r Excellency of the 9th Infant wherein yo^r Excellency relates to the law reftraining the planting tobacco yo^r Excellency conceiving this Houfe miftakes the meaning of Mr *Blaithtwaits* Letter in which you were pleased to propofe that there be a Conference held between Some Gent^a of the Councill & Some Members of this Houfe, which this Houfe doth with all thankfullnefs accept & pray yo^r Ex^{cy} that you will be pleased to that end to fignifie this Houfes acceptance hereof to the honourable Councill & when this Houfe fhall be acquainted with the Names of thofe honourable perfons that fhall be therevnto appointed with the time & place of Meeting This Houfe will then nominate & appoint fome of their members to attend their hono^{rs} & forthwth giue yo^r Excellency an account thereof

Signed by order of y^e houfe

Ar. Allen Speaker

The houfe refolve into a Grand Com^{it}tee of the whole Houfe.

Mr *Speaker* leaves the Chair.

Coll *Milner* is Elected Chairman

Mr *Speaker* takes the Chair

The Com^{it}tee Report that Mr *Speaker* in confideration of his great care & pains taken this Affembly be p^{re}fented with ten thoufand pounds of tobacco & Caske *Nemine contradicente*.

& that the Said Sum^e be inferted in the Report of the Com^{it}tee of Claimes.

Resolved

Resolved that the agreem^t with M^r *Sherwood* for his great Hall & for Entertain^t of his Excellency & Councill be continued to the 29th of *September* 1690 & to be allowed twenty five pounds *Sterling* $\text{£} 25$ annu out of the 3^d £ Gallon.

Coll *Law Smith*

M^r *Read*

Cap^t *Leer*

&

Cap^t *Ball*

are appointed to wait on & present to his Excellency the foregoing answer to part of his Excellencies Message y^e 9th Instant relateing to a conference.

They are likewise to present to the Councill the foregoing Answer to their honors Message requireing the Greivances

The house adjourns to Eight of y^e Clock to morrow

Saturni 12^o *May* 1688.

THE house Mett.

Coll *Law: Smith* &c acquaint y^e house y^t they had presented to his Excellency the answer to part of his Excellency's Message the 9th Instant.

And likewise that they had delivered to y^e hon^{ble} Councill the Answer to their Message requiring the greivances of this Country.

Cap^t *Ball*

Cap^t *Crawford*

M^r *Allumby*

&

Cap^t *Kenner*

are appointed to wait on & present to the hon^{ble} Councill the report of the Committee of Claiemes with the additions & alterations now made thereon.

It is the Opinion of this House that a carefull & trusty person haue in his Custody the Severall vtenfills & Ornaments belonging to this house for their more Safe keeping,

And it is accordingly *Resolved* that *Joseph Copeland* haue the possession & keeping of the said Ornaments & vtenfills vntill the next Sessions of Affembly & that he haue in his Custody they Key of the Affembly room to carefully Keep look after & preserve the same.

M^r Auditor *Bacons* account of the 3^d £ Gallon w^{ch} hath for some time layn before this house is committed to Cap^t *Cary* Cap^t *Perry* & M^r *ffeild* to inspect the same.

M^r W^m *Edwards* brings into the house from the Hon^{ble} Councill their answer to an earnest request of this house desireing their honors to joyn wth this House in representing & laying before his Excellency Sundry greivances of this his Ma^{ty} Dominion & humbly to pray releife therein which is read as followeth & y^t the House should haue Answer to Severall other papers in the afternoon.

M^r *Speaker*

The house haueing desired y^e Councill to joyn with them in an addresse to his Excellency for the redresse of the many greivous Complaints of his Majesties good Subjects of the Dominion w^{ch} vpon Examination of greivances you say are made sensible of & having so desired our Concurrence in Such an addresse, it's both fitt and reasonable that we may be made Sensible, by reading the grievances presented vnto yo^r house, what it is the people Complain of & therefore Sent to yo^r House to desire the same, that we might not give a blind fold concurrence: but yo^r house haueing refused the Councill the sight of the greivances wants the ground work from whence to beleive them to be the people's greivances & not heard from any the parts from whence they come of any Such representations are therefore apprehensive that they proceed from petulent tempers of private persons & that which inclines vs the rather so to take them is from the bitterness of the Expressions more especially when it is considered that all the particular parts have been by a former & this present Affembly vpon most mature Consideration fully answered but that you may reserve from vs Such satisfaction as without the sight of the agreivances can be given you we have putt our Selves vpon the answering of every part of yo^r desires first: You say that you will not dispute his Majesties prerogative in Repealing by Proclamacon a law of this Collony not haueing the Royall assent to it & yet that yo^r whole

paragraph

paragraph is whether An Act made to Repeal a former Law in being, & the Repealing law repealed by the King's Especiall Comānd, that law intended to haue been repealed by the repealing Law hath the Authority of a Law, which in it's selfe is a contradiction Since you grant the King by his Royall prerogative hath Authority by proclamation to repeal Lawes where the Royall assent hath not been given & by our former Replications made to your Motions We haue assured you that his Majestie by his Royall authority was pleased to Comānd his Excellency by proclamation to repeal the Repealing law from whence the Argum^t hath arisen.

Secondly. As to the Exception made ag^t the small fee laid vpon the Seal, His Excellency hath formerly given full answers therevnto as likewise the Councill distinctly by themselves, therefore could not haue Expected after So many full & firm Answers to haue rec^d from yo^r house a reply so often return'd vnto: but that they may not be wanting to Satisfie you in their Sentiments as to that small fee putt vpon the Seal, which cannot but call small—both to the advantage Persons receive by it's authenticateing patents or publick Instruments to w^{ch} it's affixed & also how easy it is comparatively to what Charge attends the Seal in all other his Ma^{ty} Countreys & plantations & as it is a branch of his Excellency's Comission to keep & vse the Seal not inferted before in any other Comission but the Lord *Culpepper's* last Comission, & as the keeping & vseing the Seal is of the greatest trust of all Offices in his Majesties Kingdoms & Dominions with a fuitable satisfaction for the vse thereof so we cannot beleive his Majestie in placing the Keeping & vseing the Seal in the hands of his L^t & Governo^r Generall of this Collony intended to single his Services from all others his Majesties Lieu^{ts} & Governo^{rs} in his plantations without receiueing a fuitable Satisfaction for the trouble & care of Keeping & vseing the same, therefore are of Opinion that it's a *Piquisit* of his Excellency's Govern^t rightly due vnto him & are assured that his Excellency to make it easie to persons who are really poor & haue occasion of the benefitt of the Seal, hath given directions & orders to Officers receiving the fee of the Seal not to compell persons really indigent to pay that small fee

Thirdly That small fee appointed to be received by M^r *Secretary* for the Recording the Survey of all Lands was by the Governor & Councill vpon mature consideration ordered & adjudged it rather too slender a satisfaction for so considerable & secure a Service then otherwise, & finding of it So necessary to Sett forth the foundation of all Patents & Preventing disputes in bounds, by mistake & neglects of Clerks of Surveys when kept but in small papers, are of the Opinion it's of great benefitt & security to the Inhabitants & therefore no grievance.

ffourthly. The fee of five pounds *sterling* or one thousand pounds of tobacco demanded by Escheators for the *P*formance of the Office of Escheats is no Innovated fee, being what hath been allways demanded ever since the Escheat Office had it's being in this Collony & paid without any Complainte. as ever we heard of, & being not required of any one Compulsively it can be no oppression, for whoever hath occasion to make vse of the Escheator in his Office of Escheat, receives so considerable an advantage by it, that if it were much more, that Consideration would make it Easie vnto him, & when it is Considered how seldom the Escheator in his Limitts hath Occasion to make vse of his Office of Escheat, & the great trouble that they are putt vnto, by the long Journeys they are to take, for the findeing their office, It cannott not bee Supposed then a less fee of ffive pounds *sterling* or One thousand pounds of tobacco could be appointed, and therefore cannot but be concerned to observe that every Querilous temper should so operate vpon the great & worthy Body of the house of Burgeesses, as to occasion them to take for greivances, Such matters as of themselves are not foe.

ffifthly Whereas fines & forfeitures were by some former Old Laws appointed towards defraying the Charges of the Governm^t but never made vse of in that nature as the Councill know off, nor could not be for no returns was made, & being in his Majesties Orders have been sent forth to the Clerks of every respective County to make returns to the Attorney Gen^l to the Intent the same might be duely Levied & received, in which Notwthstanding all possible care hath been taken, Yet the produce of them, is so incon-
siderable

considerable that they will intend little or nothing to the discharge of the Publick Charge, if applied that way, & fines & forfeitures being knowne to be wholly in the Crown cannot be disposed of but by his Majesties Direction & therefore cannot take it to be an agreeivance.

The Councill haueing feriously & maturely considered every Particular branch of your Houses Declaration said to be the Greivances of the People, & as they hope fully satisfied you, by their Answers to every Paragraph do think it altogether vnneccessary & vnreasonable to trouble your House, or themselves with a Meeting to consider of an Addresse, haueing already spent too much time as they conceive in vnneccessary Debates

Signed by order of y^e Councill

W. Edwards Cl Gen Aff^{rs}

May 11th 1688

Resolved that the Books Records Journalls papers and all other writings belonging to the Assembly be & stand now Comitted to *Francis Page* Clark of the House of Burgeses, & that he be & be stiled Keeper of them & that he have due care to preserve them & that they be kept in the Room over the porch of the State house particularly appointed an Office for that purpose; Also that he have them forthcomeing & ready to make delivery thereof to the House of Burgeses the next succeeding Generall Assembly, And in case of the said *Francis Page* his Death or absence out of this Collony; That Major *Sam Swann* haue the Charge & Custody of the same in like manner & he is hereby inabled to giue Copies from the said Bookes & records vnder his test, which shall be held good & valid.

A booke of y^e transcription of the laws, for which the Clerke of this House gave a Receipt to M^r *W^m Edwards* is vpon the averm^t of M^r *W^m Sherwood* a Member of this House, That the said Booke belongs to *James Citty* County to be delivered to the Clerke of *James Citty* County.

Cap^t *Ball* &c return & acquaint the House, that they had delivered the Report of the Committee of Claimes to the Honourable Councill

Vpon reading the honourable Councills Answer to the application made by this House to their Honors for Joining with this House to draw vp an addresse to Present to his Excellency for redresse of severall Greivances therein mentioned & a full & deliberate debate thereon.

Resolved Nemine contradicente that the said Answer is not only vn satisfactory but an absolute deniall to joyn wth this House in drawing vp & presenting such addresse to his Excellency for redresse of the great & Crying Greivances which this poor Countrey att present labours vnder in the aforesaid Message Contained.

Their Hono^{rs} also further acquainting this House in the Case of their Answer aforesaid y^e it is their Opinion It is altogether vnneccessary & troublesom that their Honors or this House should haue any Meeting to Consider the preparing such Addresse.

This House & the House of Burgeses of preceeding Assemblies hauing vsed many fair & lawfull means, as will appear vpon this as well as former Journalls of this House in most dutifull & humble manner to lay before his Excellency the greivances & pressures of the Inhabitants of this his Majesties Dominion & humbly prayed Releife therein & haue also lately earnestly prayed y^e honourable his Majesties Councill of State here to joyn with this House in presenting an addresse to that purpose to his Excellency; All which haueing ineffectual *Resolved (nemine Contradicente)* that the onely proper Method that can at present in this great Exigencie be taken is to draw vp a most humble Petition to his most Sacred Majesty & lay the whole matter att his Royall feet not att all doubting of a return suitable to the Clemencie & Justice of so great, so Good & so gracious a King

Pursuant to the foregoeing Resolves.

Coll *Millner*

Major *Scarborough*

M^r *Robinson*

Major *Swann*

& M^r *Sherwood*

Are appointed to draw vp an humble petition to his Majestie & report the same to the house in the afternoon,

The House adjourns to 3 of y^e Clock in the afternoon.

Post

Post Meridiem

THE House Mett.

Mr W^m Edwards comes into the house & brings from the honorable Council the report of the Committee of Claimes & their hono^rs Answer to the Message relating to a Conference, And likewise his Excellency's Answer relating to the same. as föll.

The Councils Answer

Mr Speaker

As the Council are so tender of the priviledges of yo^r House, that they would not knowingly make the least Infringm^t thereon, So they are fully satisfied, that the desire of seeing y^e greivances p^resented to your house was not only Necessary for them to have had the Consideration of you desiring a Conference thereon, as it hath been practicable by former Assemblies, to present the Governo^r & Council with the aggrievances brought vnto the House of Burgeses we referr you to the resolve thereof by such of yo^r Members as has been Burgeses in former Assemblies who we cannot doubt but will be so ingenious as to affirme the same, & the Concession yo^r house hath been pleased to favour the Council wth for a Conference being restrained only to such parts of the greivances as by writeing yo^r house shall think fitt to bring wth you to that conference & attended with that Cautious reserve as not to be brought into president for the future, seems to carry with it Such a standing vpon yo^r Guard or gives Cause to fear that Such Jealous meetings would produce no other effect, then the long time already spent in vnnecessary debates hath done, & that this offer'd conference is an vnwilling willingnesse, the Council haue Reason to Suppose from the many dayes that you tooke to giue Answer to the offer made vnto you for it Therefore tho the Council are most Zealously affected with desire of haueing a right vnderstanding between yo^r house & them in a Concurrence for a redresse of greivances in what they shall be made sensible are really so, Yet for the Reasons before given apprehend a Conference will haue no better Effect then many Replies & long debates hath produced are therefore Vnwilling So ineffectually to throw away time.

Signed by order of y^e Council

W. Edwards Cl Gen Aff^r

May 12th 1688.

His Excellencies Answer.

By his Excellency

Mr Speaker

Yo^r house the last night Returning an answer to my Message Some dayes since sent vnto them proposing a Conference to be held between some Gentlemen of his Majesties Council & members of yo^r house, which as soon as I received I signified vnto them, & nominated those Gentlemen I intended for a Conference who vpon their consideration thereof haue acquainted me, that in their answer to yo^r house of a Message of the like nature they haue made a full Responce.

May 12th 1688.

Effingham

Coll Milner &c present to the House an humble Petition to his Sacred Majestie w^{ch} is approved & Ordered to be Entred vpon the Journall *Nemine Contradicente*) which is as followeth.

To the King's most Excellent Majestie

Yo^r Ma^{ties} Dutifull & Loyall Subjects the Burgeses of yo^r Majesties Dominion of *Virginia* now assembled in most humble manner prostrate themselves att yo^r Royall feet in the full assurance they haue in Your Majesties Justice to all yo^r Subjects in Generall & in yo^r gracious Inclination to vs in p^reticular & after a strict Examinaçon of their own hearts which contain nothing but loyalty & obedience to your Majesty & prayers & praises to Almighty God for the preservation of your Royall Person & for the blessings we & all yo^r Subjects enjoy in so Just so good & gracious a King, we are in Confidence thereof emboldened as we think our selves bound in duty to yo^r Majestie & all yo^r Majesties good Subjects of this yo^r Dominion whom wee Represent to endeavor to lay before yo^r Ma^{ties} the true State & Condition of this Country & faithfully & humbly represent to

yo^r

yo^r Royall confideration the many greivous oppreffions this poor Country at p^rsent groans under, which we have by fev^rall addreffes to his Excellency the Lord *Howard* yo^r Majesties Governor of this place often rep^resented & desired redresse therein but without any Successe & haueing Mett with as little Satisfaction vpon our earnest desires to y^e hoⁿble yo^r Majesties Councill of State of this yo^r Majesties' Dominion: who haue absolutely refused to joyn with vs in the representing the same to yo^r Majesty's said Governour: We are therefore constrained to apply our Selves to yo^r Majestie as y^e source & fountain of all Justice, in most humble manner Supplicateing yo^r Maj^{tie} to take the same into yo^r Princely Consideration, as they are Sett down in the annexed Paper, & then we doubt not but yo^r Royall Justice & favour towards vs in the remedie thereof will shine as glorious & bright as the Sun in his Splendor.

And as in duty bound we shall dayly & vnfeignedly pray for yo^r Majesties long & happy Reigne.

Resolved that M^r *Speaker* sign the aboue petition & the Coppy of the grievances thereto annexed And that Coll *Phillip Ludwell* be desired by M^r *Speaker* on behalfe of this House to present the same to his Most Sacred Majestie.

M^r *W^m Edwards* comes & acquaints this House that his Excellency Expected their attendance at the Councill Chamber.

M^r *Spicer*

Cap^t *Cary*

M^r *Wilson*

&

M^r *Hardedge*

are appointed to acquaint his Ex^{cy}, That this house haue but just now recd two Messages: The one from his Excellency, the other from the hono^rable Councill which they are now reading & so soon as is f^orme'd that this House may be sensible of his Excellency's Com^{mands} & the honourable Councill's desire & f^orme what is fitt for them to do therein they resolve immediately to attend his Excellency in the Councill Room to receive his further Com^{mands}.

M^r *Spicer* &c return & acquaint the House that they had delivered the Message to his Excellency.

351-332

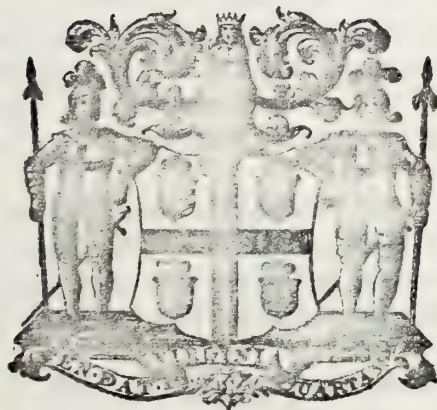
JOURNAL

OF THE

HOUSE OF BURGESSSES

FOR THE SESSION

Beginning *April* 16, 1691, and ending *February* 22,
1691/2.



RICHMOND, VIRGINIA.

MCMXIV.

JOURNAL

OF THE

HOUSE OF BURGESSES

Thursday y^e 16th day of Aprill 1691.

JAMES City:

Divers of the Burgesfes to the number of twenty nine being met in the Statehouse, the L^t Governo^rs writts for election of Burgesfes for *Charles City* County, being there transmitted from the Secretaries Office, with the returne thereon, was openly read and the Members present agree to meet in the Burgesfes Chamber to morrow morning by eight of the Clocke.

Fryday y^e 17th day of Aprill 1691.

THE Burgesfes mett being then forty and attend upon y^e L^t Governo^r in the Courte house and receive his Commands to chuse a speaker & to present him in the afternoone, The Burgesfes returne to their Houfe & elect Coll^t *Thomas Millner* for their Speaker, & adjourne to 4 a Clock afternoone.

Post Meridiem.

CAPT^t *Ball* Coll *Lawson* & M^r *Willson* are desired to acquainte the L^t Governo^r that this Houfe hath made choyce of a Speaker & to pray his hon^r to affygne a time, when the house shall present him.

They Returne, that the Governo^r is ready to receive them as soone as they please.

The house present their Speaker, who is approved.

The Speaker prays in behalfe of the Burgesfes, that the Burgesfes may enjoy all those priveledges that haue at any time heretofore beene used or indulged in preceeding Affemblyes and the L^t Governo^r was pleased to answer that they should as far as in him lay.

The Burgesfes returne to their house and unanimously elect M^r *Peter Beverley* Clerke of the Affembly.

Coll: *Smith*

Cap^t *Applewhite*

M^r *Barbar*

Cap^t *Allambey*

M^r *Boling*

are desired to Waite on the L^t Governo^r & acquainte him with the Vote of this house, & to pray his hon^r that he please to Confirme the f^d *Peter Beverley* in the Office of Clerke to the Affembly & order him to attend the house.

Ordered that *Peter Beverley* Clerk of this house do take into his custody all the bookes Journalls & other papers belonging to this house.

Coll *Law: Smith*

Coll *Anthony Lawson*

Coll. *Arthur Smith*

Cap^t *Jⁿ Smith*

M^r *W^m Willson*

Cap^t *Miles Cary*

Cap^t *Hen: Applewhite*

M^r *Joseph King*

are appointed a Comittee for Elections & Priveledges & M^r *Henry Randolph* is appointed Clark to this Comittee.

This house adjourne's 'till seven a clock tomorrow morning.

Saturday

Saturday y^e 18th day of Aprill 1691

THE house mett.

The Committee for the Elections and Priveledges give in their Report by Coll. *Lawrence Smith* which is read & the Respective returnes therein mentioned allowed, Saue that of *Lower Norfolk*, which is left to the further consideration of this house.

The Returne upon the Writt for Election of Burgeses from *Lower Norfolk County*, being read.

The question is putt, whether the said Returne be a good and perfect returne, or not.

Resolved in the Negative, and that the Same ought to be amended.

This house adjournes till after prayers.

The house mett.

Ordered that M^r *Geo Newton* the Sherriff of *Lower Norfolk County*, be forthwth sent for to attend this House

The Sherriff of *Lower Norfolk County* being called into this house is ordered to amend his returne which having done the same is allowed by this house & the f^d Sherriff difmift.

The Petition of *Thomas Chamberlaine*, complaining of an undue returne made by M^r *W^m Farrar* Sherriff of *Henrico County* was Read, & the consideration thereof is referr'd till *Munday* next in the afternoone.

The Names of the Burgeses duely Elect^d & foe approved of by the house, being return'd without any objections are as followeth.

For *Henricoe Countie*

Cap^t *W^m Randolph*

Cap^t *Fran: Eps*

For *Charles Citty County*

Cap^t *Henry Batt*

M^r *Rob^t Boling*

For *James Citty*

M^r *Hen: Heartwell*

For *James Citty County*

James Bray Esq^r

M^r *W^m Lewis*

For *York County*

M^r *Tho Barbar*

M^r *Jos: Ring*

For *Gloster County*

Coll. *Law: Smith*

Cap^t *Jn^s Smith*

For *Staff^s Countie*

Cap^t *Geo Mason*

M^r *Martin Scarlett*

For *Accomack Countie*

Maj^r *Cha: Scarburgh*

M^r *W^m Anderson*

For *Northampton County*

Maj^r *Jn^s Robins*

M^r *Tho. Harmanfon*

For *lower norfolk County*

Coll^l *Anthony Lawson*

M^r *Jn^s Sandiford*

For *Surry Countie*

Maj^r *Arthur Allin*

M^r *Fran: Mason*

For *Isle Wight County*

Coll *Arthur Smith*

Cap^t *Hen Applwhite*

For *Nanzemond County*

Coll^l *Thom: Millnor*

M^r *Jn^s Braffier*

For *Warwick County*

Cap^t *Rich^d Whitaker*

Cap^t *Miles Cary*

For *New kent County*

Coll^l *John West*

M^r *W^m Leigh*

For *Lancaster County*

M^r *Rob^t Carter*

Cap^t *W^m Ball*

For *Northumberland Countie*

Cap^t *Rich^d Kenner*

M^r *Peter Presily*

For *Westmoreland County*

Cap^t *W^m Hardidge*

Cap^t *Law. Washington*

For *Eliz^a city County*

M^r *W^m Willfon*

Cap^t *Tho: Allombey*

For

For *Middlefex* CountyM^r C^r *Robinson*M^r W^m *Church-hill*For *Rappahanack* CountyM^r Hen: *Awbry*Coll. Jn^o *Stone*.Maj^r *Charles Scarborough*M^r Hen: *Hartwell*M^r W^m *Willson*Cap^t *Thom: Allombey*Cap^t *Hen: Applewhite*

are requested to wait upon the R^t hon^{ble} the L^t Governor & to pray his hon^r in y^e name of y^e house that his honor would be pleased to Affygne & Comiffionate Some of y^e hon^{ble} Councill to adminifter the Oath enjoyned by Act of Parliam^t, & y^e Oath of a Burgeffe to the Respective Members of this house.

Maj^r *Charles Scarborough* &c returne & Report they have delivered the Message, and that his Hon^r was pleased to say, he would immediately affygne Councill to answer the Request of this house.

W^m *Byrd Esq^r* & Jn^o *Leere Esq^r* two of their Mat^{ies} Councill of State of *Virg^a* come into this house & bring with them a Comiffion beareing date the 18^e day of *Aprill* 1691 Sygn'd by y^e L^t Governo^r & under the Seale of the Colony ordering & appointing them to adminifter the oathes prescribed by act of Parliam^t to be taken instead of the Oaths of Allegiance & Supremacy & the oath of a Burgeffe, which said Oathes were accordingly administred unto the persons hereafter named,

Coll^t *Thomas Millner* SpeakerCap^t *Francis Eps*Cap^t *Hen: Batt*M^r *Rob^t Boling*M^r W^m *Lewis*M^r Hen: *Hartwell*M^r *Fra: Mafon*Coll: *Arthur Smith*Cap^t *Hen: Applewhite*M^r Jn^o *Brassier*M^r W^m *Willson*Cap^t *Tho. Allambey*Cap^t *Rich^d Whitaker*Coll^t Jn^o *West*M^r W^m *Leigh*Coll^t *Lawrence Smith*Cap^t Jn^o *Smith*M^r *Henry Awbry*Coll Jn^o *Stone*M^r *Chr Robinson*M^r W^m *Church-hill*M^r *Rob^t Carter*Cap^t W^m *Ball*Cap^t *Geo: Mafon*M^r *Martin Scarlett*Cap^t W^m *Hardidge*Cap^t *Law: Washington*Maj^{or} *Charles Scarborough*M^r W^m *Anderson*Maj^{or} Jn^o *Robins*M^r *Tho Harmanfon*Cap^t *Rich^d Kennar*M^r *Peter Presly*M^r *Tho: Barber*M^r *Jos: Ring*Coll^t *Anthony Lawfon*M^r Jn^o *Sandiford*

The house adjournes untill four of the clock in the afternoone *Post Meridiem*

THE house mett

Cap^t Jn^o *Smith*M^r *Lewis*M^r *Leigh*M^r *Mafon*Cap^t *Allambey*

are desired to waite upon the R^t hon^{ble} the L^t Governor and in the name of this house to request his hon^r that his Hon^r would be pleased to favour this house with a Copy of his Speech made to the Members of this house at the opening of this Affembly.

They Returne and acquainte this house his hon^r hath promised that the Same shall be forthwith sent to this house.

The Test being first fairly transcribed is after reading thereof in this house, generally Subscribed to by y^e Members of this house then present.

This

This house is Resolved into a Grand Committee of y^e whole house to take into Speedy Consideration the R^t Hon^{ble} the L^t Governor's Speech now sent into this house & delivered by M^r W^m Edwards, and was as followeth.

M^r Speaker, and you Gentlemen of y^e house of Burgeses.

God almighty having hitherto preserved this their most Sacred Ma^{ties} great and antient dominion of Virg^a in Peace, I hope wee are all truly thankfull for soe great a Blessing, especially when in *Europe*, there are Such great Warrs, the *West Indias* & *New Engl^a* not being exempted there from & our other Neighbours, are in soe unsettled a Condition.

These things being too true, I hope you will speedily consider the State of this Countrey, that true Methods may be taken for it's Security, that an acco^t thereof may be sent to his Ma^{ty} by this fleete, which is desygn'd to Saile ab^t the 10th May next.

At present I have with the advice of their Ma^{ties} Hon^{ble} Councill of State, appointed a Liev^t wth Eleven Troopers, & two Indians to Range at the heads of y^e foure great Rivers in hopes that they will keep us from being surprized.

Gentlemen I am Comanded by his sacred Ma^{ties} to signify his Ma^{ties} Pleasure, that you will take Care by all Meanes, to Lessen the Levies laid on the Inhabitants by y^e Pole, which I suppose is to be best done, by Renewing the Act for the Imposition on Liquors and laying Imposition on such other things, as you shall thinke most convenient, I am alsoe to acquainte you that his Ma^{ty} expects and desires that a House be built by y^e Countrey for the Govern^r in some convenient place.

And as to the matter of y^e Indian Trade his Ma^{ty} is graciously pleased, to lay noe Restriction upon itt, and therefore I desire you to take the Same into serious consideration that it may be Settled for the best advantage, and security of this their Ma^{ty} Countrey.

Gentlemen I thinke my self bound in Duty to God and their Ma^{ties} and in Justice to you, earnestly to endeavour that the reasons of the Writt which brings you hither, may all of them bee fully answered and, to attaine them, I thinke a Generall Fast an incumbent Duty upon us, for most humbly imploeing the Divine assistance.

Fra Nicholson

Major Charles Scarbrough takes the Chair

The Speaker resumes the Chair

Major Scarborough Reports that the Committee have agreed upon an addresse, which they thinke necessary to be forthwith presented to his hon^r the L^t Governor in these words

To the R^t Hon^{ble} Fran: Nicholson Esq^r their Ma^{ty} L^t Governor of Virg^a

The house of Burgeses now assembled Humbly present

That takeing into Consideration that part of yo^r hon^{rs} Speech made to this house, at the opening of this Assembly, relating to the appoynting of a publiq Fast, they are thereby made Sencible of y^e great desire yo^r Hon^{rs} hath to discharge your duty to Almighty God, & their most Sacred Ma^{ties}, and the Zeale yo^r hon^r beares to the publique Wellfare of this Countrey, wherefore they have thought fitt by this their addresse to Manifest to yo^r Honor their readinesse to concurr wth yo^r Honour in the Solemnizing of a General Fast, looking upon it as an incumbent duty upon them, as they respect the blessing of almighty God upon their proceedings, & Forasmuch as yo^r Honour was pleased to propose it, they beg your Honor to fix a time for the same, on knowledge Whereof this house shall most readily attend together wth yo^r Hon^r and the Hon^{ble} Councill to implore the divine assistance to all their undertakeings.

The Addresse is read, approved of by the House, and ordered to be fairly engroft by the Clerke of the House in order to be presented to his honor the Governor.

M^r Hartwell

M^r Carter

Cap^t Eps

M^r Lewis

M^r Boling

are appointed to waite upon the Governor with the Said Address and to request his Hon^r would be pleased to affygne Councill, to swear the Clerke of the Assembly.

Resolv'd

Resolved That the house be *resolved* into a Grand Committee of the whole house on *Munday* next to take into their Consideration such parts of his hon^rs Speech as remains vnreported to this house.

Chr: Wormely Esq^r & *Henry Whiteing* Esq^r two of the Hon^{ble} Councell of State, bring into this house a Comission Sygn'd by the R^t Hon^{ble} the L^t Governo^r & under the Seale of the Colonie, empowering & ordering them to adminifter the Oathes enjoyned by act of Parliam^t instead of the Oathes of Allegiance and Supremacy unto *Peter Beverley* the Clerk of this house, and allsoe, the Oath of y^e Clerke which Oathes were there-upon respectively administred, the Clerkes Oath being in these words.

You shall sweare as Clerk to the House of Burgeses of *Virga* to which Office you are appointed by y^e R^t Hon^{ble} the L^t Governo^r faithfully justly & vprightly, to make true entries & Journalls of all Votes & proceedings of the f^d House of Burgeses, as from time to time you shall receive orders & directions from them, You shall keepe Secret all private debates of the f^d House of Burgeses soe farr as shall by the said House be found necessary and shall in all things according to yo^r best Skill & Judgment discharge & execute the f^d Office & trust of Clerke of y^e house of Burgeses.

The house adjournes till Seaven of y^e Clock on *Munday* Morning.

Munday the 20th of Aprill 1691.

THE house mett

W^m Drummond petitioning this house to be entertained as a Messenger to this house the said *Drummond* is accordingly admitted, and ordered to give his attendance to execute Such Comandes as he shall receive from this house.

Major Arthur Allen Burges return'd for *Surry* County having disabled himselfe to Serve in that Office by his refusall through Scruple of conscience to take the Oathes enjoyned by act of Parliam^t instead of y^e Oathes of Allegiance and Supremacy This house doe appointe M^r *Henry Heartwell* & Maj^r *Charles Scarbrough* to waite upon the R^t hon^{ble} the L^t Governor and to acquainte his hon^r therewith, & to request his Honor, would be pleased to issue out a new Writt for y^e election of another Burgesse in the room and place of y^e f^d Major *Allen*.

M^r *Miles Cary* Burgesse return'd for *Warwicke* County tooke the Oathes enjoyned by act of parliam^t instead of y^e Oathes of allegiance & Supremacy and alsoe the Oath of a Burgesse which were administred to him by y^e Hon^{ble} Coll^l *Bird* & Coll^l *Leere*, & then alsoe subscrib'd the Test.

Peter Beverley the Clerke of this House Subscribed the Test.

A Committee for examination of Propositions and Greivances

M^r *Christo: Robinson* Chairman

Majo^r *Charles Scarbrough*

Cap^t *Miles Cary*

Cap^t *Jⁿ Smith*

M^r *W^m Leigh*

Coll^l *Arthur Smith*

M^r *Edward Chilton* having petitioned this House to ferve as a Clerke to one of y^e Committees, the Petition is granted & he accordingly appointed Clerke of y^e Committee for propositions & Grievances.

The Quest: being put Whether the Clerkes of the Committees ought to be Sworne. *Resolved*, in the Affirmative.

A Committee for Publiq Claimes

Coll *Lawrence Smith* Chairman

M^r *Henry Heartwell*

Coll *Anthony Lawson*

Cap^t *W^m Hardidge*

M^r *W^m Anderson*

Cap^t *Law Wafhington*

M^r *Henry Randolph* is appoynted Clerke to this Committee

It being resolu'd by this House that the Clerkes of y^e Committees belonging to this House shall be Sworne.

It is thought fitt the Oath be Prescribed in these words

You shall swear as Clerke to a Committee of y^e House of Burgeesses, faithfully & justly to follow the respective directions of yo^r Committee you shall keep Secrett all the proceedings of the said House and Committee; soe farr as shall be found necessary & shall in all things to your best Skill and judgem^t discharge and execute the f^d Office and trust.

Ordered That M^r Heartwell and M^r Cary give the thanks of this house to M^r Stephen Force for his Excell^t Sermon yesterday preach't before the Generall assembly and that he be desired to print the same.

M^r Thomas Chamberlaine moveing this house that his petition exhibited aga^t the Sherriff of Henrico County for an undue returne of Cap^t Randolph right [might] be considered this morning & the same being thereupon read is committed to the Committee, for elections & priveledges to be taken into their present considerations.

This house adjournes till two a Clocke

Post Meridiem

THE Committee Returne & their Chairman Reports that the petition of M^r Tho: Chamberlaine about y^e vndue election & Returne of Cap^t W^m Randolph referred to them in the morning they had considered and upon the Examination of divers Evidences came to a Resolucon, which he had delivered in and was read in the House, Whereupon, it was *Resolv'd nemine contradicente*.

That Cap^t W^m Randolph was duely elected Burgesse for Henrico County.

A Message from the L^t Governor was Read.

By y^e R^t Hon^{ble} the L^t Governor

M^r Speaker

The addresse of the house of Burgeesses aboute the appointing a time for a day of Humiliation is very gratefull to my Self and the Councell & *Saturday* next being the 25th day of this instant, I doe by y^e advice of the Councill think fitt to be a Convenient time for the Solemniseing the fast by y^e Generall Assembly and the Inhabitants of *James City*; and *Fryday* the 8th day of *May* to be a fitt time for keeping and Observing thereof in all this their Ma^{ties} Dominion.

April the 20th 1691

Fra: Nicholson.

Ordered That *James Bray* Esq^r Burgesse elected for *James City* Countie faileing to give his attendance here to morrow at five of y^e Clock afternoone that he be then sent for in Custody of W^m Drummond the messeng^r of this House.

M^r Henry Heartwell one of their Ma^{ties} Justices of the peace for *James City* Countie is desired to administer to the Committee Clerkes the oath lately formed for that purpose.

This house according to the Resolve on *saturday* last, Resolved into a Committee of y^e whole house to enter into a further Consideration of y^e R^t Hon^{ble} the L^t Governors Speech, and after some time spent therein M^r Speaker resumed the Chair, Major *Scarburgh* reports from the Committee, that the Governors Speech to them referd they had considered & debated, & come to a Resolution w^{ch} he had delivered in and was read.

Whereupon it was *Resolv'd*

That the house agree with the Reporte of the Committee and think it very necessary such meanes be considered of as may best preserve the Country in Security with as little Charge as possible, and that the humble thanks of this House should be rendered to the L^t Govern^r for his great care and personall paines they are Sencible his honor had already taken ab^t the same, but Forasmuch as the Right and due consideration of those pointes will require soe much time as will too much delay the proceedings of The house, if attempted by a full house, They *Resolved*

That

That y^e f^d Propositions be first debated in the Committee of Propositions &c. & then Reported to this house as alsoe the other parts of the said Speech, concerning the Lessening the levie by the pole the building an House for the Governor & y^e Settlem^t of y^e Indian Trade.

To the R^t hon^{ble} Fra: Nicholson Esq^r their Ma^{ty} L^t Governo^r of Virg^a

The house of Burgeses having in Consideration yo^r hon^{rs} Speech upon that part relating to the Security of y^e Countrey & yo^r Hon^r appoynting a L^t eleven Troopers & two Indians to range at the heads of y^e Rivers for prevention of Sudden danger and Surprizalls.

Their sense not onely of yo^r Honours great care and Vigilance but of yo^r personall Travailes & painefull Journeys therein, incites them to a gratefull acknowledgement thereof and to render yo^r Honor's in the name of themselves & y^e whole Countrey yo^r deserved Thankes, & assure yo^r Hon^r of their Speedy & Speciall consideration of yo^r Hon^{rs} propofalls in order thereunto.

The hon^{ble} Coll^l Byrd, and the honble Coll^l Leere two of their Ma^{ty} Councell of State administer y^e oathes enjoyned by act of Parliam^t instead of y^e Oathes of Allegiance and Supremacy & also the Oath of a Burgesse unto Cap^t W^m Randolph Burgesse for Henrico County, who then alsoe Subscribed the Test.

Mr W^m Randolph was added to the Committee for examination of Publiq Claimes.

Ordered that the Committee of greivances & propositions take into their Considerations the Journall, bylls, for Lawes, & other the proceedings of y^e Last Assembly and make a report of what they finde necessary to this house.

Ordered That the Committee for examination of publiq claimes doe take into their Consideration all Such proceedings, papers & Reports of the last Assembly as relate to the publiq Claimes & make report of what they finde necessary to this house.

Ordered That the Committee of Propositions &c & the Committee for publiq Claimes have power to adjourne themselves & to Sit *de die in diem* untill the businesse referred to them by the House be fully considered and debated,

The house adjournes till tomorrow morning eight of y^e clock.

Tuesday Aprill y^e 21st 1691.

THE house mett and appointed Coll^l Stone Mr Ring Mr Willson & Mr Boling to waite upon the R^t hon^{ble} L^t Gov^r and to pray his hon^r in the name of this house, that, Coll^l Nath^l Bacon late Audit^r & Coll^l W^m Byrd, the present auditor be Ordered to deliver unto this house, as Speedily as Conveniently may be, an acco^t of y^e 3^d p gallⁿ upon Liquors according to the act of assembly in that case provided, Who Returne & Report his honor was pleased to say it should be done.

The propositions and Greivances of *Charles City* Countie Read & referred to the Committee of Propositions & Greivances.

The Propositions and greivances of *Glocester* Countie read & referred.

The propositions & Grievances of *Accomack* County Read & referred.

The Propositions & Grievances of *Nanzymond* County. Read & referred.

A paper delivered in by Mr W^m Church-hill Burgesse of *Middlesex* County, as the Greivances of y^e said County but wanting Such attestation as the Law ab^t the presentation of Greivances directs was not received.

A paper delivered into the house by Mr W^m Lewis Burgesse of *James City* County, as the Greivance of the said County but wanting Such attestation as y^e Law about the presentation of Grievances directs was not received.

A paper was delivered into the house by Mr Henry Awbry Burgesse of *Rappahanock* Countie, as the Grievances of y^e f^d County, but wanting such attestation, as the law about y^e presentation of Greivances directs was not received.

The Propositions & Greivances of *Northumberland* Countie Read & referred.

The

The Propositions & Greivances of *Northampton* County read & referred.

The Propositions of Maj^r *Arthur Allen* & by him Subscribed read & referred to the Committee of Greivances & propositions.

A proposition Subscribed by Jⁿ^e *Custis* & *Daniell Neede* was read & referred

A proposition Subscribed by Jⁿ^e *Pleasant* & *John Evans* read & referred.

The house adjourned till two a clock afternoone.

Post Meridiem

THE house mett

Mr Auditor *Byrd* having brought in his acco^t of the Revenue arising from y^e 3^d $\frac{1}{2}$ gall. upon Liquors, the consideration thereof is referred to the meeting of y^e house to morrow morning.

Ordered That *Fryday* the 24^e inst^t five a clock in the afternoone be the latest time for receiving of propositions, Greivances and Publiq Claimes and that the Clerke of this house doe forthwith make publiq the Same, by Setting up a Copy hereof at the State house door

The propositions & Greivances of *Surry* County read & referred.

The propositions & Greivances of *Westmorland* County read & referred.

Certaine propositions & Greivances Sygn'd by divers Inhabitants of *Henrico* County read & referred.

The Propositions & Greivances of *Henrico* County read & referred.

The Propositions & Greivances of *Isle of Wight* County Read & referred.

A Proposition of Mr *W^m Lewis* Burgesse for *James City* County read & referred.

James Bray Esq^r Burgesse return'd for *James City* County fayling to Giue his attendance at this house, according to the Ord^r of yesterday, & noe just reason of excuse being made appeare for his Still continued absence; It is therefore Ordered.

That *W^m Drummond* the Messenger attending this house pursuant to y^e f^d former order doe in his Custody bring y^e f^d *James Bray* Esq^r before this house tomorrow morning.

The house adjourn'd till 8 a clock tomorrow morning.

Wednesday the 22^d of *Aprill* 1691.

THE house mett.

Mr *W^m Drummond* Messenger being called to make returne of his Message to *James Bray* Esq. Burgesse of *James Citie* County Yesterday produced a letter from the f^d *Bray* directed to Mr *Speaker* which being read, Signified his disability to attend this house by reason of extreme Sicknesse & the same being confirmed by Mr *Drummond* the absence of y^e f^d *James Bray* Esq^r was thereupon excused for the present.

Mr *W^m Church-hill*, Mr *Willson*, Mr *Carter*, & Cap^t *Allamby* Mr *Lewis* & Mr *Barbar* appointed a Committee to Examine & consider of the acco^t of y^e 3^d $\frac{1}{2}$ gall. presented by Mr Auditor *Bacon* to the last assembly & now before the Committee of greivances & Propositions & alsoe the f^d acco^t of the f^d Imposition by Mr Auditor *Byrd* yesterday presented to this House & Report the same, & alsoe Such a Method as the House may thereby receive full Satisfaction how each Particular Collector thorough this Dominion, by their respective receipts & acco^{ts} given into the said Auditors, discharg'd themselves of y^e f^d duety.

The Greivances & Propositions of *York* County read & referred.

The Greivances & propositions of *James City* County read & referred

The Greivances & Propositions of *Elizabeth City* County read & referred.

The Greivances and Propositions of *Rappahanack* County read and referred.

The Petition of *Joseph Copeland* praying to be allowed for looking after & keeping cleane the Assembly roome & utensills thereunto belonging read and referred to the Committee of Claimes.

The house adjourned till two a clock afternoone.

Post

Post Meridiem

THE house mett.

M^r *Xto Robinson* Chairman of y^e Committee of propositions & Greivances, Reported from the f^d Co^mittee, that pursuant to the ord^r of the house they had inspected in to & considered the Journall & other proceedings of y^e last Affembly and are of Opinion that severall Bylls, for laws prepared the last Affembly be now againe taken into Considera^on, which said Report being Read the Same was agreed to by y^e house, & it was thereupon

Ordered That the Co^mittee of Greivances & Propositions doe take into their Consideration divers bylls for lawes as they were prepared the last affembly to witt

a byll for Sherriffs receiving publiq dues.

a byll directing how public Claimes shal be Certifyed for allowance

A byll prohibiting Ordinary keepers to give credit to to Seamen & young freemen

A byll to prevent the casting ballast into Rivers & Creeks.

A Byll declareing how the charge ariseing by Criminalls shall be p^d for y^e future.

A Byll giving Reward for killing of wolves.

A Byll for Ports &^c and Report the same with such amendm^{ts} alterations & additions, as to them Shall Seeme necessary & convenient.

M^r *W^m Church hill* &^c from the Co^mittee appoynted to examine M^r *Auditors* acco^{ts} presented their Report which Read and approved. It was thereupon *Ordered* That M^r *W^m Church-hill* & the Rest of y^e Geⁿt of that Co^mittee be continued a Co^mittee to proceed further in the examination of y^e matters to them before referred, and that they demand of M^r Auditor *Bacon* his full and cleare acco^t of y^e 3^d p gall. Since the last Affembly, till the time of M^r Auditor *Byrd*'s receiveing the Same of whome they are to demand perticular acco^{ts} of the f^d Imposition of 3^d p gall. as it was delivered in, to him by y^e individuall Collectors thereof & that for the better satisfac^on of this house the f^d M^r *Auditor* be required to provide an acco^t of the time of the arrivall of each Vessell or Shipp, the Vessells name & Burthen the Masters' name the quantity of liquors imported in her, & the port from whence Shee came, with her ladeing & to ranke the same in Severall distinct Columnes to that purpose, and that they having soe done, doe report the same to this house together with a true state of the Generall acco^{ts} thereupon & ballance thereof as it shall be found.

The Greivances and Propositions of *New Kent* Countie read & referred.

The house adjourned till to morrow morning nine a Clocke.

Thursday y^e 23^d Aprill 1691.

THE house mett

The petition of *Thomas Busbey* for the allowance and Sallary due to him as the Interpreter of y^e Southern Indians was read & referred and then

The house adjourned till to morrow morning nine a Clock.

Fryday y^e 24th of Aprill 1691

THE house mett.

A proposition from some part of the Inhabitants of *Rappahanack* County referred to the Co^mittee of Greivances &^c

A proposition of M^r *Rich^d Kennor* & M^r *Peter Presly* Burgeesses on the behalfe of the Inhabitants of *Northumberland* County whome they represent ab^t a greater allowance for Wittnes^{es} & Jurors Summon'd out of that County to attend at General Courtes was Read & referred to the Co^mittee of Greivances & Propositions.

The house adjourn'd till three a Clock afternoone

Post

Post Meridiem

A PETITION of Coll^t *Daniell Jenifer Sher^t* of *Accomack County* in behalfe of himfelfe for imprefeing & divers other perfons imprefsed to the number of three hund^d by ord^r of y^e R^t hon^{ble} the L^t Governo^r to be as a Watch at the Inlette on the Eaſterne Shoare read and referred to the Committee of Claimes.

A Meſſage from y^e R^t hon^{ble} the L^t Governo^r by M^r *W^m Edwards* Clerke of the Councell delivered in at the Table, was read in theſe words.

James City Aprill y^e 24th 1691

M^r *Speaker* my Selfe & the Councell are Satisfied that yo^r Houſe ſoe well receives, what was really acted by us for y^e preſervation of this their Ma^{ty} Countrey & y^e Inhabitants thereof by appointing Rangers at y^e heads of y^e Rivers untill other Methods were taken by the Generall Aſſembly.

What I have done I eſteeme it my duty, but ſeeing it is ſoe gratefull to the Countrey I hope God almighty will enable mee to be carefull & vigilant for yo^r Wellfare, and when ever it ſhall be neceſſary freely to venture my life for the Security of *Virg^a*

Yo^r Reſolving upon a Speedy & Speciall conſideration of y^e proper wayes to doe it moſt effectually, is very ſatisfactory to

Fra Nicholſon

And then Refereed to the Speedy conſideration of y^e Committee of Greivances & propoſitions together with all former matters relateing thereto.

A Petition of M^r *Auguſtine North* referred to this houſe by y^e R^t hon^{ble} the L^t Govern^r & Councell was read & referred to the Committee for publiq Claimes.

A Petition of M^r *W^m Edwards* Clerke of y^e Gen^l Courte for allowance for his extraordinary Service & trouble Since the laſt aſſembly, in iſſueing out Sundry publique matters more than vſuall, referred by y^e L^t Governor to this houſe, was Read & referred to the Conſideration of y^e Committee for publique Claimes.

The greivances & Propoſitions of *Westmorland County* referred by y^e ſ^d Govern^r & Councell Read & referred to the Committee of Greivances and Propoſitions.

The Petition of y^e Inhabitants of *Staff^t County* referred by y^e L^t Governo^r & Councell Read & Referred to the Committee of Greivances & Propoſitions.

The Petition of M^r *Willſon* & M^r *Allambey* Burgeſſes for *Elizab: City Countie* & M^r *Whitaker* & M^r *Cary* Burgeſſes of *Warwick County* that the bounds of y^e ſ^d Counties might be enlarged according to the directions annexed to the petition, referred by y^e L^t Govern^r & Councell to this houſe was read & referred to the conſideration of the Committee of propoſitions & Grievances.

The propoſitions and Greivances of *lower Norfolk Countie* referred by y^e L^t Governo^r & Councell Read & referred.

The Petition of y^e Inhabitants of y^e Towne in *Eliz^a River*, referred by y^e L^t Governo^r & Councell, read & referred to the Committee for Propoſitions & Greivances.

The Committee of Greivances & propoſitions came in & the Chairman reported, that in Obedience to a former ord^r of y^e houſe they had examined corrected and prepared ſeverall Bylls entituled as followeth.

A byll giving reward for killing of Wolves.

A byll for charge of Criminalls

A byll to prevent caſting ballaſt into Rivers & Creeks

A byll prohibiting Ord^y keepers to give Credit to Seamen & young freemen

A byll directing how Publique Claimes ſhall be certified for allowance.

A byll directing how Sherriffes & Collectors ſhall acco^t for publique dues.

Which he delivered in at the table & were received.

The petition of *John Taylor* concerning 50 Acres of land taken away by act of aſſembly in his Minority to build a Towne on referred by y^e L^t Governo^r to this Houſe, Read & Referred to the Conſideration of y^e Committee for Propoſitions & Greivances.

The Petition of *Jn^s Evans* & *John Pleaſants* referred by y^e L^t Governo^r & Councell Read & Referred to the Committee of propoſitions &

The

The petition of *Jn^o Walker* complaining of the infolencies of neighbour Indians, & praying a Regulation, referred by y^e L^t Governo^r & Councell read & referred to y^e Committee of propositions &^c

The Petition of y^e *Appamatack* Indian Queene on behalfe of herself & people that they may be suffered to dwell among the *English*, referred by y^e L^t Governor & Councell to this house read and referred to the Committee of greivances & propositions.

The Petition of M^r *James Blaire* on behalfe of himselfe the rest of y^e Reverend Clergy together with a proposition for the erecting a publique Colledge being referred by y^e L^t Governor & Councell were ordered to be read & Considered in a full house on *Munday* next in the afternoone.

The petition of y^e *Nottaway* Indians that the *English* be permitted to Seal their Lands, referred to this house by y^e L^t Governo^r & Councell read and referred to y^e Committee of Greivances & Propositions.

Ordered that for the better Solemnization of the Fast appoynted to Morrow all the Committees be adjourn'd till *Munday* Morning feaven a Clocke.

The house adjourn'd till *Munday* Morning ten a Clocke.

Munday y^e 27th of Aprill 1691.

THE house mett

The petition of *Nicholas Witherington* was Read clayming 980^{lb} of Tobaccoe for ferriage of Indians over *James* River and referred to the Committee for publique Claimes.

A byll Giving Reward for killing Wolves.

A byll to prevent y^e Casting of Ballast into Rivers and Creekes.

A byll declareing how the Charge ariseing by Criminalls shall be paid for the future.

A byll prohibiting ordinary keepers to give Creditt to Seamen & young freemen.

A byll directing how publique Claimes Shall be certified for allowance.

A byll for Sherriiffs receiving publiq dues.

And each of y^e said bylls was Read in the house the first time.

The house adjourn'd till three clocke afternoone.

Post Meridiem

THE house mett

The petition of *Thomas Busbey* referred to this house by y^e L^t Governor & Councell & praying for his allowance as interpreter to the Southern Indians to be levyed Soe as noe deduction be made for Casq & convenience was read & referred to the Committee of claimes.

The petition of the *Chicohominy* Indians referred to this house by y^e L^t Governo^r & Councell, that they may continue on the Land of M^r *Ben. Arnold* read & referred to the Committee of Propositions.

The Petition of *Samuel Frith* referred to this house by y^e L^t Governor & Councell, complaining of his Low Condition by Sicknesse & fire, & praying for some Charitable Consideration of his present circumstances was read & referred to the Committee of propositions.

M^r *Ben Harrisson* being duely elected & Returned Burgesse for *Surrey* County in the Roome of Major *Arthur Allen* tooke the oathes enjoyned by act of parliam^t instead of y^e Oathes of allegiance and Supremacy and alsoe the Oath of a Burgesse which were administred to him by y^e Hon^{ble} W^m Byrd Esq^r and y^e hon^{ble} *Ralph Wormely* Esq^r two of their Ma^{ties} Councell of State, after which he Subscribed the test.

The Petition of *Nath^l Bacon* Esq for serverall diūbursem^{ts} ab^t y^e Publique Concernes referred to this house by y^e L^t Governo^r read and referred to y^e Committee for publique Claimes.

A Petition of y^e Churchwardens & Vestry men of *James City* parish, was read, praying leave to bring in a byll for y^e bett^r enableing the s^d parish to raise a convenient maintenance for a Minist^r, & to Exc^e their present Glebe for other Lands more fitt and commodious, and liberty was granted accordingly.

The Petition of *James Blayre* Minister on behalfe of himselfe & the rest of y^e Clergy of this Dominion ab^t the better paym^t of their Salaries referred by y^e L^t Governo^r & Councell was read & referred to the Committee of propositions.

Severall propositions for the founding of a Colledge referred by y^e R^t Hon^{ble} the L^t Governo^r & Councell read and referred to the consideration of y^e Committee of propositions.

The house adjourned 'till to morrow morning nine a Clock.

Tuesday y^e 28th of Aprill 1691.

THE house mett

The Committee appoynted for examination of M^r Auditors acco^{ts} of y^e 3^d P gall. made report that in obedience to an order of the house they had taken into their consideration y^e acco^{ts} of y^e 3^d P gall. committed to them & compared the Same with the particular Collector's acco^{ts} whereupon they had Stated a Gen^l acco^t & found the ballance due to the Countrey in the hands of M^r Auditor *Bacon* to be 950^{lb}: 10^s: 2^d and in the hands of M^r Auditor *Byrd* to be 789^{lb}: 08^s. 11^d

The Petition of *Ralph Wormely* Esq affygne of Coll^l *Cuthbert Potter*, clayming the Sum of One hundred and Eight pounds feaven Shillings for principall disbursem^{ts} & Interest according to an ord^r of Assembly of *June y^e 8th 1680* due to the s^d *Potter* was Read and referred to the Consideration of a full house in the afternoone.

The house adjourn'd 'till 3. a clock afternoon.

Post Meridiem

THE house mett and called over.

The petition of *Ralph Wormely* Esq^r affygnee of Coll^l *Cuthbert Potter* according to the Order of this morning being read after Severall Debates.

The Question was put, Whether y^e s^d Petition should be committed to the consideration of y^e Committee of Publiq Claymes and it was *resolved* in the Negative.

The Petition of y^e Lady *Francis Berkeley* on behalfe of *Phillip Ludwell* Esq^r laying before this house Several Services done by y^e s^d *Phillip Ludwell* Esq^r in presenting an addresse of y^e last house of Burgeffes to the late King & to their p^{re}sent Ma^{ty} since their happy accession to the Crowne by vertue of an ord^r of the last house of Burgeffes & allsoe the progresse he had made therein, & recommending the same to the consideration of this House & the said Petition together with all the papers therewith presented was Committed to the Committee of Publique Claimes to consider of, and upon their Serious inspection to Report a Satisfaction, fuitable to the merritt of the paines trouble and disbursem^{ts} of y^e said *Philip Ludwell* Esq^r in y^e managem^t of y^e Truist, & by what wayes & meanes it may be best done

Ordered That the Committee of Greivances & Propositions doe consider of an addresse to present y^e humble thankes of this house to their Ma^{ty} for their Ma^{ty}'s grace & favour in redresseing severall Grievances lately presented by *Phillip Ludwell* Esq from y^e Representatives of this Country, and that the same be done in Such man^r & Such time as they shall hereafter finde most convenient.

A byll giving Reward for killing of Wolves Read the Second time after some amendm^{ts} made at the Table was ordered to be engroft & read the third time.

A byll to prevent the Casting of Ballast into Rivers & Creekes read the 2^d time and ordered to be engroft and read the third time.

A byll declareing how the Charge arifeing by Criminalls fhall be paid for the future, read the Second time Ordered to be engroft & read the third time

A byll prohibiting Ordinary keepers to give Creditt to Seamen & young freemen read the Second time & after fome alterations in the title & a new provifoe added was Ordered to be engroft & read the third time

A byll directing how Publique Claimes fhall be Certified for allowance read the 2^d time & ordered fairly to be engroft and read the 3^d time.

A byll Directing how Sherriffes & Collectors fhall acco^t for publique dues read the 2^d time & ordered fairly to be engroft & read the 3^d time.

A Byll for Ports &c read the firft time & Ordered a 2^d reading on *Thursday* morning next.

The houfe adjourned 'till nine a clock to morrow morning.

Wednesday Aprill y^e 29th 1691.

THE houfe mett and call'd over.

Ordered That M^r *James Bray* Burgeffe return'd for *James City* Countie be forthwith fent for in Cufody of W^m *Drummond* the Meffinger of this Houfe to give his attendance to the Service of this houfe.

The Report of the Committee of Greivances & Propositions in anfwer to the petition of y^e *Nottoway* Indians that the *Englilh* might be Suffered to take up the Lands and Seat on the South Side of *Blackwater* was read & approved, and it was thereupon.

Refolv'd That the humble application of this houfe be made to the R^t hon^{ble} y^e L^t Governor that his honour would be pleafed to forbid the takeing up Landes or Seat within thofe bounds for the future, & to call in the *Englilh* there already feated, and that the fame be prepared by y^e Committee of Greivances and Propositions & reported accordingly to this houfe.

Vpon the Report of y^e f^d Committee that a Byll be prepared for preventing the great damage that happens by horfes running wild in the Woods & barking fruit Trees. It was agreed to by y^e houfe and y^e Committee for publiq Claimes were.

Ordered to prepare a Byll accordingly.

Vpon the Report of the f^d Committee, that a free Conference might be defired, betweene fome of the Hon^{ble} Councell & fome of y^e Members of this Houfe to confider and conferr ab^t what forces are now neceffary to be raifed, in what manner to be employed & for what time to be continued for the Secureing the peace of this Countrey, and alfo to finde out the moft fuitable expedient to obtaine their Ma^{ty} gracious & Royall grant of Some part of y^e Quittrents, towards the maintenance and Support of a Colledge intended to be erected in this Countrey.

Refolved That Some of y^e Members of this houfe be appointed to waite upon the R^t Hon^{ble} y^e L^t Governor and that they in the name of this Houfe pray a Conference accordingly.

M^r *Harrifon*, Coll^t *Lawfon*, & M^r *Sandiford* ordered to doe the f^d Meffage.

The Report of the faid Committee, that a Byll be prepared declareing the duety of Tanners Curriers & shoemakers in the drefling & makeing up leather, read and approved and

Ordered That the faid Committee prepare, and bring in a byll accordingly.

The Report of y^e f^d Committee upon the petition of the Inhabitants of the *Northern neck* that an addrefse be made to their moft Sacred Ma^{ties} by this Generall affembly for the reuniteing the faid Neck to this Colony and bringing it under the fame privileges, read and approved and,

Ordered that the faid Committee doe in a Clause to that purpofe lay before their Ma^{ty} the humble defires of this houfe & add or infert the Same in the addrefse already ordered to be drawne up concerning the prefent State of this Countrey.

Vpon

Vpon the Report of y^e f^d Committee that an Imposition be layd on Liquors imported into this Country not coming directly from *England* as the most proper meanes to ease y^e Levy by y^e Pole.

Ordered That the f^d Committee prepare & bring in a byll to that purpose The reporte of y^e f^d Committee touching the deviding *new kent* County into two Counties, being read and agreed to by y^e house, the f^d Committee were Ordered to prepare and bring in a byll accordingly.

Vpon the Report of y^e said Committee that the 12th Act of Assembly anno 1682 Entituled *an act for the advancement of Manufactures of y^e Growth of the Countrey for the better and the more Speedy paym^t of deb^t & levies* might be revived, & put in force as a law advantageous to the Countrey in Gen^l

Ordered that a Byll be prepared & brought into the house by y^e f^d Committee to that purpose with such alterations or additions as upon their Serious inspection of the former Law shall be found meet and convenient.

An engroft byll giving Reward for killing of Wolves read the 3^d time, past the house and ordered to be sent to the hon^{ble} Councill for their Concurrence.

An Engroft Byll to prevent the casting of ballast into Rivers and creekes read the third time and past the house *nemine contradicente* and ordered to be sent to the hon^{ble} Councill for their Concurrence.

An Engroft Byll declareing how the Charge ariseing by Criminalls shall be paid for the future read the 3^d time past the house *nemine contradicente* & ordered to be sent to the hon^{ble} Councill for their Concurrence.

An Engroft byll directing how publiq Claimes shall be certified for allowance read the third time past y^e House & Ordered to be sent to the hon^{ble} Councill for their Concurrence.

An Engroft Byll prohibiting Ordinary keepers to give Creditt to Seamen and others, read the third time past the house *nemine contradicente* & ordered to be sent to the hon^{ble} Councill for their Concurrence.

An engroft byll directing how Sherrife's & Collectors shall acco^t for publique dues read the third time after Several debates past the house and ordered to be sent to the hon^{ble} Councill for their Concurrence.

The house adjourn'd till three a clock afternoone.

Post Meridiem.

THE house mett.

A Message from the L^t Governor by M^r Edwards That his hon^r had appointed six of the hon^{ble} Councill to meet Such members of this house, as this house should appointe for the managem^t of y^e Conference prayed for, in the Councill Chamber to morrow morning after prayers.

W^m Drummond the Messenger of this house made Returne and in answer of y^e Message ordered him this morning, brought a Letter from M^r James Bray w^{ch} being read and the house therewth satisfied together wth the Report of y^e Messinger, that the f^d M^r Bray is unable at present to attend the Service of this house, the further consideration thereof was therefore referred.

M^r Harrifon

M^r Carter

Coll^t Stone

M^r Ring

Cap^t Eps

appoynted to waite upon the hon^{ble} Councill & to carry the Severall Bylls past the house this morning for their hono^r concurrence and assent.

Ordered that notice be given to the Severall Committee's that the house expects their attendance at Seaven a Clock to morrow morning.

The house adjourned 'till Seaven a clock to morrow morning.

Thursday

Thursday Aprill y^e 30th 1691.

THE house mett, and called Over.

M^r Xtopher Robinson

Collⁱ Law Smith

Majo^r Cha: Scarbrough

Cap^t Jn^s Smith

Cap^t Miles Cary

Cap^t W^m Randolph

M^r Ben Harrisson

M^r Rob^t Carter

M^r Hen. Heartwell

M^r W^m Lewis

M^r W^m Leigh

M^r Jo Ring

are appoynted to manage the conference in the Councell Chamber, with the Councell appoynted by the Liev^t Governo^r concerning w^t forces are now necessary to be raised, in what manner to be employed, & for w^t time to be continued & also aboute such an Expedient as may be most Suitable for the obtayning their Ma^{ty}s Royall Charter to enable fitting persons to found and erect a Colledge together with their Ma^{ty}s most gracious grant of Some part of the Quitt rents towards the maintenance & Support thereof.

M^r Harrisson M^r Church hill M^r Ring M^r Allambey M^r Mason & Coll. Stone upon the Vote of the house are appointed a Comitte to prepare and bring in a byll consonant & agreeable to the former law. Entitled *an act regulateing the tares of Tobacco hhd* with such additions new clauses & provisos as Shall be found most necessary & convenient.

The Reading of y^e Byll for Ports &c referred till 4 clock afternoone.

The house adjourn'd 'till after prayers

Post Meridiem

THE house mett.

M^r W^m Edwards Clerke of y^e Councell brought into the house Severall bylls, from the Councell Yesterday sent for their Concurrence, and alsoe from the Councell acquainted the House that their Hon^{rs} would at all times be ready in the Councell Chamber to receive any addresse from this house.

Vpon y^e Report from y^e Conference appointed this morning, upon that head which related to the necessity of raising and continueing forces for the Safety of this Dominion together with the manner time & number thereof.

Resolved That the Comitte of Greivances & propositions doe prepare and draw up a byll for the Secureing the peace of y^e Country agreeable to the report, from the said conference.

It being reported to this house from the Managers of y^e f^d Conference with the Councell, touching that part of the Conference, which related to the findeing out fitt methods for y^e advancem^t of Learning in this Countrey, that the Councell were of Opinion, that before any proceedings could be had therein, it were first necessary by an humble addresse to their Ma^{ty}s to pray their Ma^{ty}s Royall Charter for the enableing Some persons to erect a Colledge in Such part of the Countrey as may be most Convenient and that they might as much as in them lye, promote & forward so Good a defygne, they were pleased to declare that they would at all times be free & ready to joyne with this house in such an addresse.

The house most kindly received y^e Motion & ordered a Message by Some of the Members of this House to be Sent to the Councell to request their Hon^{rs} would be pleased to appoynte Some of the Councill to joyne wth Such Members of this House as shal be appointed in the preparing & drawing up an addres to their Ma^{ty}s for that purpose.

The byll for Ports &c read y^e Second time and after some time spent in debate thereof referred to be farther debated to morrow morning.

The house adjourned 'till tomorrow morning after prayers.

Fryday

Fryday May y^e 1st 1691

THE house mett & entered into the adjourned debate about the byll for ports &c in which having spent some time, & after Some amendm^{ts} made at the Table the f^d Byll was recomitted to the Committee of Greivances & propositions. &

Ordered that it be an Instruction to the f^d Committee that they Consider of a provifoe concerning *James City*.

That in a new Clause the Treafurer & Collecto^r of the Impositions mentioned therein be enjoyned to give bond wth Sufficient Security for the due performance of their Office & to acco^t for the same upon oath.

That all Superfluous words in the f^d Byll be left out at the discretion of y^e Committee to Shorten the Byll, provided noe alteration in the matter & Substance be made.

That the officers upon all occasions for detecting of frauds or makeing Seizures according to his duty enjoyn'd by the act be fully empowered to command assistance & aid as the case shall require.

M^r *Martin Scarlett* one of the Burgesses for *Staff^d County* haveing neglected his duty in attending the Service of this house, It is therefore

Ordered that the Messinger of y^e house doe bring the said *Scarlett* in Custody to answer for such his neglect before the house at their first Sitting in the afternoone.

Ordered That M^r *Martin Scarlett* one of y^e Burgesses for *Staff^d Countie* be comitted into the Custody of y^e Messinger attending this house for his misbehaviour this day in the house and that he soe remain during the pleasure of this house.

The house adjourned 'till foure a clock afternoone.

Post Meridiem

THE Committee for Publick Claimes brought in a byll for preventing horses running at Large & barking fruit trees, which was read the 1st Time and ordered a Second Reading.

An Engroft byll giving Reward for killing of Wolves returned from the Councell agreed to without amendments.

An Engroft byll to prevent y^e Casting of ballast into Rivers and Creekes return'd from the Councell agreed to with this Addition.

(*That where it shall appeare to y^e Courte of y^e County agast which any Shipp shall ride, that ballast may doe y^e Roade good they be there Permitted to throw it over board*) and the f^d Addition being agreed to by the house, a provifoe to y^e purpose was drawne at the Table, read 3 times & past & Ordered to be annexed to the f^d Byll.

An Engroft byll declareing how the charge ariseing by Criminalls shall be paid for the future return'd from the Councell agreed to with Some amendm^{ts} which being read a Clause to that purpose was ordered to be drawn at the Table & inserted in the 19th Lyne of y^e f^d Byll upon the full agreem^t of the house.

The house adjourn'd till tomorrow morning after prayers.

Saturday y^e 2^d May 1691.

THE house mett.

An Engroffed byll prohibiting Ordinary keepers to give credit to seamen and others and An Engroft Byll directing how Publique Claimes shall be Certified for allowance, return'd from the Councell agreed to without any amendm^{ts}

Vpon the Petition of M^r *Martin Scarlett* yesterday comitted into Custody, Setting forth his great Sorrow for his late misdemeanor & evill carriage in the house & praying to be releast & readmitted.

The

The f^d M^r *Scarlet* was ordered to be sent for into the house, where having made his personall Submission & Craving the pardon of y^e House, It was *ordered*, that he be discharged of his confinem^t paying the Officers fees and that he be admitted againe into the House.

A Message from the R^t hon^{ble} the L^t Govern^r by M^r *Edwards*, that his honour desires the Burgeesses to consider of such persons in their severall Countyes as are most fitt to Supply y^e wants of their Countyes for Justices of y^e Peace & to signifie their names to his Honour he intending Suddenly to issue out new Commissions to that end.

A byll to prevent horses running at Large & barkeing fruit trees read the Second time & ordered to be enGroffed.

A byll directing how Sherifes and Collectors shall acc^t for the Publique dues returned from the Councell with amendments proposed & y^e f^d amendm^{ts} being read & debated it was thereupon *Ordered* that that the Committee of greivances & propositions doe forthwth carry y^e f^d byll together wth the byll Entituled

A byll to prevent the casting of ballast into Rivers & Creeks & y^e byll entituled.

A byll declareing how the Charge ariseing by Criminalls shall be paid for the future & to acquaint their hon^{rs} how far the house have concurred with the amendm^{ts} proposed by them & to confer wth them concerning w^t may be further necessary in Relation to the amendm^{ts} & to report the same to this house.

The house adjourned 'till *Munday* morning ten a Clocke.

Munday May y^e 4th 1691

THE house mett

The Committee to whome the same was referred bring in a byll reviveing the 6th Act of Assembly made at *James City* y^e 20th day of *8ber* 1686 regulateing y^e tares of Tobacoe hogheads which was received and read the first time.

Ordered That the House be called over at their meeting in the afternoone.

Post Meridiem

THE house mett

Ordered that the Committee for Publiq Claimes bring their Report into the house tomorrow morning by 7 a Clocke.

The house adjourn'd 'til tomorrow morning 7 a clock

Tuesday May y^e 5th 1691

THE house mett

Maj^r *Lawrence Smith* from the Committee of publiq Claimes according to the ord^r of Yesterday brought in the Reports of y^e f^d Committee & delivered the same in at the table.

M^r *Ch^r Robinson* from the Committee of greivances & propositions reported several prepared bylls *Viz^t* a byll declareing the duety of Curriers tanners & Shoemakers

A byll devideing *new kent* Countie

A byll Reviveing the act for advancem^t of manufactures of y^e growth of this Countrey &c.

A byll for a free trade with the Indians

and delivered the Same in at the Table

Then the byll divideing *new kent* Countie was read the first time & ordered a Second Reading.

A byll for a free trade wth Indians read y^e 1st time and ordered a Second reading.

A byll reviveing the act for advancem^t of manufactures of the growth of this Country & read the first time.

An engroft byll to prevent horfes running at large and Barking fruit trees read the 3^d time and pafte the houle.

A byll reviveing y^e 6th act of affembly made at *James City* y^e 20th of *October* 1686 Regulateing the Tares of Tobaccoe hogfheads read the Second time & Comitted to the Committee that firft prepared y^e fame for amendm^{ts}

A byll declareing the duety of Tanners Curriers and Shoemakers read the firft time and ordered a Second reading.

M^r *Chriftopher Robinson* from the Committee of Greivances and Propofitions reported the byll for Portes, wth the amendm^{ts} made by them according to the Order of the Houfe which was received & ordered to be read y^e 3^d time to morrow morning.

A byll to prevent cafting of ballaft into rivers & Creeks was return'd with the provifoe annexed agreed to by y^e Councell.

A byll declareing how the charge arifeing by Criminalls fhall be paid for the future, return'd from the Councell wth a different amendm^t to what the houfe had before agreed and the fame being read the houfe adhered to their firft amendm^t and difagreed to the new amendm^t made by y^e Councell.

A byll directing how Sherrifes & Collect^{rs} fhall acco^t for the Publique dues, returned from the Councell with an amendments & two provifoes, & the fame being read in the houfe 3 times pafte the houfe and were ordered to be added to the faid byll.

The houfe adjourned to three a clocke afternoone.

Post Meridiem

THE houfe mett.

M^r *X^{her} Robinson* from the Committee of Greivances and propofitions prefented a byll for the more effectuall Suppreffing the Several Sins & offences of fwearing, curfing, prophaneing God's holy name, *Sabbath* abufeing drunkenneffe, Fornication & Adultery, which was received at the Table, read the firft time and ordered a Second reading

M^r *Benj: Harriffon* from the Committee to whome y^e byll reviveing the 6th act of Affembly made at *James City* the 20th of *8ber* 1686 Regulateing the Tares of Tobac hogfheads was at the Second reading recomitted for amendm^{ts}

Reported that they had agreed to a claufe to be added to y^e Byll which f^d Claufe being read y^e fame was agreed to by y^e Houfe & y^e Byll together wth the f^d Claufe Ordered to be engroffed and read the 3^d time.

Resolved That the houfe doe tomorrow in the afternoone Refolve into a Committee of the whole houfe to confider of y^e heads of an addrefse to be prefented to their Ma^{ties}

The houfe adjourned 'til nine a clocke to morrow morning.

Wednesday May y^e 6th 1691

THE houfe mett.

M^r *Hen: Heartwell* brought in a byll for y^e enlargeing *James City* Parifh & to enable them to Exchange lands for a Glebe (upon leave of y^e houfe before given to the Churchwardens) & the f^d byll being prefented was read the firft time & ordered that the Byll haue a Second reading on *Saturday* morning & y^e in the meane while the Burgelfes of *James City* County & *York* County doe give notice to the Church Wardens of y^e Parifhes next adjoyning to the parifh of *James City* to come and make their Objections to the f^d byll.

Resolved & ordered, that it be a ftanding order of this Houfe, That whatfoever Member of this Houfe who fhall hereafter depart out of Towne, without firft having obtain'd the leave of the houfe, and fhall not returne time enough to make his appearance at the calling over the houfe at the time to which the houfe was adjourn'd fhall forfeit five hund^d pounds of Tobaccoes to be p^d & deducted out of his Wages by y^e County for which he ferves.

Mr *Xtopher Robinson* from the Committee of greivances and propositions presented a byll for lessening the levy by y^e pole & laying an Imposition upon Liquors was received.

An Engroffed byll for ports &c read the third time and the Qu: being put whether the said byll should passe.

Resolved in the affirmative thirty eight of y^e members answering yea and only one answering Noe.

And the f^d Byll was thereupon Ordered to be carried to the Councell for their concurrence.

The house adjourned 'till three a clocke afternoone.

Post Meridiem

THE house mett.

The house entered into the Reading the Reports of y^e Committee for Publique Claimes but not having finished the Same, the remaineing part was referred to be read & considered tomorrow morning.

The House according to the Order of yesterday resolved into a Committee of the Whole house to consider of y^e heads of an addresse to be presented to their Ma^{ties} & after Some time spent therein

Mr *Speaker* resumed the Chair and Maj^r *Scarburgh* from the said Committee reported that they had made Some progress in the Consideration of the matters to them referred & had directed him to move the house that they might have leave to Sitt again upon the f^d heads.

Resolved That this house will tomorrow morning resolve it Selfe into a Committee of the Whole house to proceed in the further consideration of y^e heads of an addresse to be presented to their Ma^{ties}

The house adjourned till six a clock to morrow morning.

Thursday y^e 7th May 1691

THE house mett.

and proceeded in the Reading the remaineing parts of y^e reports of the Committee for Publique Claimes which having finished the same were agreed to by the house wth such alterations & amendm^{ts} as are noted downe in the body & margin of the said Reports.

Upon Reading the Report of y^e Committee for Publiq Claimes relateing to the Service done by Coll^l *Phillip Ludwell* in presenting & Soliciting a Petition of the late house of Burgeses to their Ma^{ties} for the redresse of Severall Greivances therein complained of, And upon reading his Ma^{ties} Ord^r in Councell of y^e 9th of *September* 1689. wherein his Ma^{ty} is gratioously pleased to redresse Severall of the greivances complained of in y^e f^d petition.

Resolved That the said Coll^l *Phillip Ludwell* in presenting y^e f^d petition to the late King *James*, and useing his endeavours, to obtaine an answer thereunto, And in presenting a Copy of y^e f^d petition to their present Ma^{ties} upon their happy acceffion to the Crowne and in Soliciting for a favourable answer to the Same, hath well pursued the Order & direction of y^e f^d Late house of Burgeses.

And therefore *Ordered*, that the thanks of this house be given to Coll^l *Ludwell* for the Same & that the Summe of two hund^d & fifty p^{ov}nds *sterl.* be paid unto the f^d Coll^l *Ludwell* by Mr *Auditor* out of y^e imposition of 3^d [℥] gallⁿ upon liq^{rs} as an acknowledgem^t from this Country for his indefatigable & prosperous endeavours, & towards the reimburs^{em}ts of his great & necessary expence in the management of that affair.

The house resolved into a Committee of y^e whole house to proceed in further consideration of proper heads for an addresse to be presented to their Ma^{ties} & after some time Spent therein, Mr *Speaker* returned the Chair & Maj^r *Scarburgh* Reported from
the

the 1^d Committee, that they had maturely considered & agreed upon certaine heads of an addresse to be presented to their Ma^{ties} which he had delivered in at the table, And the Same being Severally read & approved by y^e Houfe.

Resolved That the addresse to be presented to their Ma^{ties} doe consist of these following heads.

1st a congratulation of their Ma^{ties} happy accession to the throne by meanes whereof y^e Religion Law & Liberties of their Subjects are happily Secured from y^e danger of being Subverted & overthrowne, and alsoe a Congratulation of y^e Speciall deliverances, God almighty hath been pleased to give unto their Ma^{ties} in y^e various and eminent perills they have beene exposed to, for the maintenance thereof.

2. a dutyfull acknowledgem^t of their Ma^{ties} Singular Care of this dominion in appointing foe worthy a Person for the L^t Governo^r, and an humble returne of thanks for their Ma^{ties} Grace & favour in receiving y^e Petition of the late house of burgeses presented to y^e Ma^{ties} by Coll^t *Phillip Ludwell* and redressing Sev^{ll} greivances complained of therein.

3 an humble application to their Ma^{ties} for the restoreing that anntient priveledge of this Countrey of makeing appeals to the Gene^{ll} Asssembly.

4 That there Ma^{ties} would be pleased to grant, that the Revenue ariseing here from the Quittrents may be appropriated to the use and benefitt of the Countrey.

5 That the money ariseing from the Castle duties may be employed in those vses which were originally intended at the makeing of y^e acts, the Countrey being at present in a naked & defencelesse state for want of armes amunitions & fortifications.

6 That their Ma^{ties} would be gratioously pleased to give their Royall Assent to such Speciall Lawes as shall be presented to them from this and succeeding Asssemblies, And if their Ma^{ties} shall think fitt to disallow any thereof that their Ma^{ties} would be pleased to signify such their Royall pleasure to this Countrey.

7 That their Ma^{ties} would be gratioously pleased to confirm & enlarge the Charter, granted by King *Charles* the 2^d of blessed memory the 10th of 8ber in the 28th yeare of his reigne & y^e the *Northerne neck* may be included therein.

Ordered that the said heads of an addresse to be presented to their Ma^{ties} be given to the Committee of Greivances & Propositions for their directions & that the 1^d Committee prepare the addresse agreeable thereto & Reporte it to the Houfe.

The house adjourn'd 'till foure a clock afternoone.

Post Merediem

THE house mett

The byll for ports &c return'd from the Councill with a Schedule of amendments propofed by y^e Councill to be made thereto was laid upon the table.

A message from the Councill by M^r *Edwards* to acquaint the house, that three of the Councill will be ready to morrow morning after prayers to meete and joyne with Such members of the house as shall be appoynted for the drawing up an addresse to their Ma^{ties} for the obtaineing their Ma^{ties} Royall Charter for the enableing Some persons to erect a Colledge in this Countrey.

M^r *Hartwell* Cap^t *Randolph*, Coll^t *Lawrence Smith*, M^r *Lewis*, M^r *Willson*, M^r *Carter*, M^r *Harrison* & M^r *Church-hill* are appointed to meet tomorrow morning after prayers and accordingly Joyne with the Councill in the prepareing such an addresse.

Then a debate ariseing concerning the place where the Colledge should be nominated to be built after Some motions thereupon, the further debate thereof was referred till to morrow morning Seaven a Clocke & y^e Members of the Houfe required then to give their respective attendance.

A byll reviveing the 6th act of asssembly made at *James Citty* y^e 20th October 1686 regulateing the laws of Tobaccoe hogsheds read y^e 3^d time & passed.

A byll declareing the duety of Tanners, Curriers, & Shoemakers read the 2^d time & comitted

Cap^t *Hardidge*, Cap^t *Mafon*, Coll. *Stone*, M^r *Ring*, M^r *Francis Mafon*, M^r *Harmanson*, Maj^r *Robins*, M^r *Barbar* & Cap^t *Washington* are appoynted a comitte to consider of amendments to the said Byll & to report the Same to this house.

A byll reviving the act for advancem^t of Manufactures of the growth of this Countrey read the 2^d time.

Ordered to be engrossed & read the 3^d time

Resolved that a byll be prepared enjoyneing the planting and workeing of flax & hemp, & that the Committee to whome the Byll declareing the duety of Tanners Curriers & Shoemakers was committed for amendments prepare the same & report it to this house with all possible expedition.

A byll for free trade wth Indians read y^e 2^d time *Ordered* to be engrossed & read the third time.

A byll deviding *new kent* Countie read the 2^d time and upon a motion made for the Restoring of Severall Inhabitants now belonging to S^t *Peter's* parish, unto S^t *Jo^{ns}* Parish from whence they were taken, a clause to that purpose was added at the Table, & y^e byll wth the 1^d clause ordered to be engrossed & read a third time.

A byll for the more effectual Suppressing the Severall Sins & offences of Swearing, curseing prophaneing Gods holy name, *Sabbath*, abuseing, Drunkenesse, Fornication, Adultery, read y^e 2^d time & ordered to be engrossed & read the 3^d time

The house adjourned 'till Six a clock to morrow morning.

Fryday May y^e 8th 1691

THE house mett.

and resumeing the debate about y^e place for the Colledge.

Resolved, upon the Question, that the place to be nominated for erecting the Colledge upon, by Gods Leave intended to be in this Countrey, be upon the Land of *Ralph Greene* Junior, now in the Tenour of M^r *Thomas Baytop* lying upon the North Side of *yorke* River in *gloucester* County & over agaⁱⁿ the Plantation of *Edmund Jennings Esq.*

M^r Secretary *Cole*

Ralph Wormely Esq

Coll^t *Edward Hill*

Coll. Jn^o *Page*

Coll^t *Nath. Bacon*

Coll. *Thom: Millner*

M^r *Xpher Robinson*

Cap^t Jn^o *Smith*

M^r *Benj. Harrifon*

Coll *Law: Smith*

Coll^t W^m *Fitz-hugh*

Maj^r *Cha: Scarburgh*

Cap^t *Miles Cary*

M^r *Hen: Heartwell*

M^r *James Blayre*

and

M^r *Rob^t Carter*

are persons nominated by y^e house to be presented to take their Ma^{ties} Royall grant for the erecting of a Colledge accordingly.

Vpon a motion made that M^r *James Blaire* a worthy Minister of this Countrey, and a person well acquainted wth the Methods & proceedings of Such a desygne, might be desired to assist the Committee appoynted to Joyne wth the Councell in the drawing up an addresse to their Ma^{ties} for their Royall grant of a Charter to some fitting persons to found & erect a Colledge in this Countrie.

Ordered, That the 1^d Committee doe request the assistance and directions of y^e 1^d M^r *Blayre* in such matters as they shall finde necessary for their better preparing Such addresse.

Vpon the motion of the Burgeffes of *Lower Norfolk* Countie & upon reading the Inhabitants proposition liberty was granted to the 1^d Burgeffes to bring in a Byll for the divideing of *Lower Norfolk* County according to the 1^d Motion & proposition to

morrow

morrow morning *Ordered* that Mr *Peter Beverley* Clerke of the Assembly & Mr *Francis Page* doe with the first conveniency thoroughly examine a Written book containing y^e Copies of Severall auntient Records presented by the Said Mr *Page* to this house, and compare the same with y^e Originall Writeings & papers, and that the Clerke of this house haveing soe done doe attest the Same & keepe it amongst the other Records of y^e Affembly, and that he alsoe take care of Originalls in covering & bindeing them up in new and Strong paper as may best preserve them for the future, and of all other Such auntient papers, Journalls, Acts and Records as he shall finde already damaged or likely to receive damage for want thereof, and that he doe upon every bundle of papers put a fair & proper endorfement, and constantly keep them, in such an Order, frame & Method as his Office requires.

Ordered That all Acts of Affembly which shall be hereafter made, before the same be fygned by the Governo^r & Speaker, as the usuall Custome is be engrossed in parchm^t Rolles for the better preservation thereof, and that the Clarke of y^e Affembly doe from time to time provide parchment for that purpose.

A byll reviving the act for advancem^t of Manufactures of y^e growth of his Countrey &c read the third time & passed.

A byll for a free trade with Indians read the 3^d time & passed;

Mr *Xpher Robinson* & Maj^r *Charles Scarburgh* upon a motion made were added to the Committee appoynted to joine with the Councill in the prepareing the addresse to their Ma^{ties} concerning the Colledge.

The house adjourned 'till five a clock after noone.

Post Meridiem.

THE house mett.

Mr *Edwards* brought into the house from the Councill a Proviso by them offered to be added to the byll for ports &c

Cap^t *W^m Hardidge* from the Committee to whom the Byll declaring the Duetie of Tanners, Curriers, and Shoemakers was committed for amendments Reported that according to the Order of the house they had amended the 1^d byll, and the Same being received was laid upon the Table.

Cap^t *W^m Hardidge* from the committee appointed to prepare the Same, Reported, that according to the Order of the house they had prepared a byll enjoyneing the planting & dressing of flax & hemp & the Same being received was Laid upon the Table.

A byll for deviding *new kent* County read the 3^d time and passed *nemine contradicente*.

A byll for the more effectuall Suppressing the Several Sins & offences of Swearing curseing prophaneing Gods holy name, *Sabbath* abuseing drunkenness fornication & adultery read the 3^d time & passed *nemine contradicente*.

Coll *Law: Smith* &c *Ordered* to carry y^e following bylls to the Councill & to pray their hon^{rs} concurrence *viz*

A byll to prevent horses running at large & barcking fruit trees.

A byll reviving the 6th act of Affembly made at *James Citty* the 20th of *Octob^r* 1686 Regulateing the tares of tobaccoe hogheads.

A byll reviving the act for advancem^t of manufactures of the growth of the Countrey.

A byll for a free trade with Indians.

A byll for deviding *new kent* County

A byll for y^e more effectuall Suppressing the sev^l Sins & offences of Swearing, curseing, prophaneing God's holy name *Sabbath* abuseing, drunkenness Fornication & adultery.

The house adjourned to Six a clock to morrow morning.

Saturday

Saturday May y^e 9th 1691.

THE house mett

A byll for lessening the levy by y^e Pole & laying an imposition upon liq^{rs} read the 1st time & Ordered a Second reading on *Munday* morning ten a Clocke.

M^r *Xpher Robinson* ffrom the Committee of Greivances & propositions presented a byll for the defence of the Countrey which was received & laid upon the table.

A byll for the deviding *Lower Norfolk* Countie upon leaue of this house to draw the Same was brought into the house and laid upon the table.

Vpon Reading the Report of the Committee for Publique Claimes concerning a reward to be given Cap^t *Francis Page* for entering into a faire booke Severall auntient Records of this house, the house agreed thereto and *Ordered*, that the Said Cap^t *Francis Page* for transcribing Severall old records of this house & entering the Same in a new booke by him presented to this affembly be allowed the Sume of two thousand pounds of Tobaccos & Caske & that he be enjoyned when the Clerke of this house Shall require it, to assist him in the examining the Said booke.

The Churchwardens & other the Parishoners concerned for the Parishes next adjoyneing to *James City viz: Bruton & Willmington*, according to the Ord^r of *Wednesday* last, attending to make their Objections to the byll for enlarging of *James City* Parish &c were called into the House & being Severally heard & withdrawne, the f^d Byll was read a Second time and the Questⁿ being put, That the byll be Engrossed, It passed in the Negative.

Resolved that the byll be rejected

Vpon Reading a lett^r Subscribed by their Ma^{ties} Justices of *Lower Norfolk* Countie directed to their Ma^{ties} L^t Govern^r Councell & Burgeses of this present Generall Affembly brought into the house by a member Serving for that Countie & recommended from their Ma^{ties} L^t Govern^r & Councell the Contents whereof sett forth, that at a Courte held the 7th day of *May* 1691 for the tryall of an action of the case & an action of defamation: betweene *Chr Thurston* Mastr of the Shipp *little John* & *Jn^o Porter* Junior a native and inhabitant of this Countrey, Cap^t *Jn^o Jennings* Comander of y^{res} Ma^{ties} Shipp the *Experim^t*, came in his boate mann'd & arm'd to the Courthouse Landing and there coming on Shoare after Some menaces and threatenings past upon the Sherriffe in his way to the Courte house, entered the Courte where the said Justices by vertue of their Ma^{ties} authoritie where Sitting upon the tryall of the f^d differences between the f^d plaintiff and defend^t, and then & there insolently Seized & halled *Jn^o Porter* the f^d Defend^t Standing at the Barr, & Speaking to the Courte by y^e hair of the head into the middle of the Courte house and threw him downe, & the under Sherriff using his endeavour, to preferue the peace & to rescue him the f^d *John Jennings* terrified by by drawing out part of his sword, and by meanes thereof & the aid of his men violently carried away & forcibly halled the Said *Porter* into his Boate & him being required to deliver againe by one of the Justices present at the Waterside instead thereof gave revileing and reproachfull language, Layd his hand on his sword, & putting of from the Shoare carried the said *Porter* quite away, whither & to w^t intent is not yet knowne.

And alsoe upon hearing all & every of the said Circumstances fully & cleerly proved by y^e Testimony of three persons who being eye wittnesses & Sworne before the R^h Hon^{ble} the L^t Govern^r & Councell gave their evidences *viva voce* in the house.

Resolved That the Coming of Cap^t *Jn^o Jennings* Comand^r of their Ma^{ties} Ship *Experim^t* wth armed men in to the Courte of *Lower Norfolk* one of their Ma^{ties} Courtes of Record in this there Ma^{ties} Dominion of *Virg^a* whilst the Justices of the f^d Courte were by their Ma^{ties} Authorities Sitting to administer Justice, and there halling from the Barr of the Courte by y^e haire of the head and throwing downe M^r *Jn^o Porter* then a Defendant upon an action at the Suite of M^r *Chr Thurston*, & with force & armes putting the Said *Porter* on board his boate carrying him away & restrayning him of his

his liberty is an high crime & misdemeanor of him the *f^d Jennings* an high contempt of their Ma^{ty} Governm^t here, a breach of y^e peace, contrary to the knowne Lawes, destructive of the Rights, priviledges & liberties of their Ma^{ties} Subjects here and a Subversion of Justice and of that protection, there Ma^{ties} are pleased to give to all there Subjects & especially those of this their Ma^{ties} Dominion; and the greater as being acted by a person intrusted with their Ma^{ties} Commission for the defence & protection of the persons estates and properties of their Ma^{ties} Subjects.

Ordered that there Ma^{ty} L^t Govern^r & Councell be made acquainted with this Resolve of the House and that they be desired to issue out their immediate Warrants, commending the *f^d Cap^t Jⁿ Jennings* forthwth to release & set at liberty the *f^d Jⁿ Porter*, who being released may be brought before this present Generall Assembly to give Such further acco^t of his usage, as he hath rec^d Since, & to put in execu^{co}n such Proce^{ss}e against the *f^d Cap^t Jennings* his aiders & abettors, as the lawes in that case provide & direct.

The house adjourned 'till three a clock afternoone.

Post Meridiem

THE house mett

M^r Christopher Robinson, *M^r W^m Church-hill* & *Cap^t Jⁿ Smith* have leave given to goe out of Towne till *Munday* morning ten a Clocke.

A byll for defence of the Countrey, read the 1st time & ordered a Second reading.

A byll for deviding *Lower Norffolk* Countie read the 1st time & ordered a 2^d reading.

A byll enjoyneing y^e planting & dressing flax & hemp read the 1st time and ordered a second reading.

Ordered that *Cap^t Randolph*, *M^r Harri^{ss}on*, *Coll^t Law^{son}* *Cap^t Eps*, *Maj^r Robins*, *M^r Lee*, *M^r Boling* & *Cap^t Allambey* doe carry the Reports of the Committee for Publique Claymes allowed of by the house & the Vote of the house upon the Report of the Committee concerning *Coll^t Ludwell* unto the Councell and that they allsoe Carry with them the Resolve of the house concerning the misdemeanors of *Cap^t Jⁿ Jennings* Comand^r of their Ma^{ties} Shipp y^e *Experim^t*, lately done and acted in *Lower Norfolk* Courte, together with the house's request thereupon & present them to the L^t Governo^r & Councell.

The house adjourned 'till *Munday* Morning ten a clocke.

Munday y^e 11th of May 1691

THE house mett, & called over.

M^r W^m Edwards Clerke of the Councill brought into the house the fix bylls sent on *fryday* last to the Councill together with a paper of such amendments as their Hon^{rs} thought fitt to propose thereunto, & y^e *f^d Bylls*, & amendm^{ts} were laid upon the Table.

Whereas *M^r James Bray* Burgesse for *James Citty* Countie hath long neglected his duety of attending the Service of this house, & still doth continue in the same, It is therefore *Ordered* that *W^m Drummond* the Messinger attending this house doe forthwith bring the said *M^r James Bray* in Custody to answer such his continued neglect before this house.

The house adjourned till three a clock afternoone.

Post

Post Meridiem

THE house mett.

W^m Drummond the messinger being called into the house to returne answer of his message to M^r *James Bray* of this morning, delivered the Same, and the consideration thereof was referred till the first meeting of the house to morrow morning.

M^r *Robinson*, Maj^r *Scarburgh*, Cap^t *Smith*, M^r *Church-hill*, M^r *Willson*, Cap^t *Allambey*, M^r *Heartwell*, M^r *Lewis*, M^r *Barbar*, M^r *Ring* & Cap^t *Ball*, Coll^l *Stone* Cap^t *Hardidge*, Cap^t *Washington* & M^r *Harrisson*, are desired to acquainte the Councill how farr this house have agreed to the amendments propofed by their Hon^{rs} to the byll for ports &c & to desire their Hon^{rs} to appointe a time & place as Speedily as may be when & where they may conferre with them ab^t the Same.

A byll for lessening y^e Levy by y^e pole and laying an Imposition upon liquors read y^e 2^d time *ordered* to be engrossed and read a third time.

A byll for provideing for the better defence of the Countrey read y^e 2^d time & a provifoe annexed at the Table, the 1^d Provifoe was twice read & the Byll & provifoe comitted unto Cap^t *Randolph* Cap^t *Washington*, Capt *Cary* Cap^t *Applewhite* & Coll^l *Lawson* to report the same to morrow morning.

A byll for deviding *Lower Norfolk* Countie read y^e 2^d time, *ordered* to be engrossed & read a 3^d time.

A byll enjoyning the planting & dressing of flax & hemp read the second time & the Question being put that the same be engrossed.

Resolved in the affirmative & the byll *ordered* to be engrossed & read a third time.

The house adjourned 'till fix a clocke tomorrow morning.

Tuesday May y^e 12^e 1691

THE house mett.

A Message by M^r *Edwards* to acquainte the house that the L^t Govern^r & Councill have sent a Warrant for the Comodore to appeare before them on *thursday* next, and alsoe that foure of the Councill will be ready after prayers to meet Such of the members of this house as shall be appointed to conferre wth them about the amendments of the byll for Ports &c in the Councill Chamber.

M^r *Edwards* likewise brought from the Councill their Hon^{rs} opinion & proposition concerning the obtaining their Ma^{ties} Grant for the erecting of a Colledge which was laid upon the Table.

The house tooke into Consideration the answer yesterday brought from M^r *James Bray* Burgesse for *James City* County, & it appearing that he hath not onely neglected his duety of attending the Service of the House, but also aggravated that his great fault by a Slight and unbecomeing answer to the Message of the house.

It is therefore *Ordered* That M^r *Speaker* doe issue out his warrant directed to the Sherrieff of *James City* Countie and the messinger of this house forthwith to take into their Custody the 1^d M^r *James Bray* & him having brought to *James City* vnder safe Custody to detaine & keep, untill the further pleasure of this house shall be knowne.

M^r *Randolph* &c to whome the Same was committed brought in the Byll for provideing for the better defence of the Countrey with the amendments made thereupon, and the said amendment being twice read, the byll & amendments were *Ordered* to be engrossed and read a third time.

The House takeing into Consideration the amendments made to the byll declaring the duety of Tanners Curriers & Shoemakers & reported by y^e Comittee to whome the Same was comitted, the Same were agreed to by the house and the byll as amended *ordered* to be engrossed and read a third time.

A byll reviving the act for advancement of manufactures of the growth of this Countrey &c returned from the Councell agreed to.

A byll reviving the 6th act of Assembly made at *James City* the 20th of *October* 1686 Regulating the Tares of Tobaccoe hogheads, returned from the Councell agreed to.

A byll for dividing *New Kent* Countie, returned from the Councell agreed to, with the propofall of a Clause to be added for appointing the dayes to hold Courts on in *King & Queen's* Countie, and a Clause for that purpose being agreed upon in the house was Ordered to be put to the said byll at the table.

The house adjourned 'till after prayers.

Post Meridiem

THE house mett.

A motion being made that a Clause might be added to the byll for deviding *Lower Norfolk* Countie, ascertaineing a day for the holding of Courts in *Prince's Anne* Countie mentioned therein.

Ordered That the Clerke of the house doe prepare a Clause, after the forme & tenor of the Clause added to the byll for deviding *New Kent* Countie for that purpose, *mutatis mutandis* and have the same ready to annex to the byll when it shall have a third reading.

The house adjourned 'till Six A clock to morrow morning.

Wednesday y^e 13th of *May* 1691.

THE house mett.

M^r W^m *Edwards* Clerke of the Councill brought into the house the Reporte of the Committee for Publique Claimes sent to them from this house together with their Hon^{rs} Answer thereunto which were laid upon the table.

M^r W^m *Willson* desiring the leave of the house to goe home (having received an acco^t that his Wife lay very dangerous Sick) leave was accordingly granted.

The Petition of the Burgesies for the Counties of *Isle of Wight* *Surry*, *Charles City* & *Henrico* & of Jⁿo *Brassieur* one of the Burgeses for the County of *Nanzimond* in behalf of their Severall Counties was read, & after some time Spent in debate, thereof, the Question was put, whither the said petition should have any further consideration or debate & it Passed in the Negative.

The house adjourned 'till three a clock afternoone.

Post Meridiem

THE house mett.

The Sherrieff of *James City* and Messinger of the house made returne of the Warrant from M^r *Speaker* for the takeing into their Custody M^r *James Bray* for his neglect of attending the Service of the house, & the said Sherrieff & Messinger declareing the inability of the said M^r *James Bray* to come to the house & producing a letter from him directed to M^r *Speaker* which being opened & read signified his hearty Sorrow for his present incapacity to discharge his duety in attending the Service of the house the Same was admitted as a just & reasonable excuse for his continued absence.

The house adjourned 'till tomorrow morning six a clocke.

Thursday

Thursday May 14th 1691.

THE house mett.

A byll to prevent horses running at large & barkeing fruite trees returned from the Co incill agreed to with some amendments which said amendments being read the house agreed that a provifoe should be drawne to explaine what horses are meant & intended to be Subject to the penalty in the 1st Clause of the said byll and the Same being done at the table was ordered to be added to the byll & with the byll Carried to the Council.

Leave was given to Collⁱ *Arthur Smith* to bring in a byll for the alteration of the time of proceffioning of lands, & y^e said bylls was accordingly brought in read the first time, and ordered to be read againe in the afternoone.

Vpon the Petition of *Ralph Wormely* Esq^r assygne of Collⁱ *Cuthbert Potter* Setting forth, that the s^d *Cuthbert Potter* makeing it appeare at a Gen^l Assembly held the 8th of *June* 1680 that he had disbursed 103^l & 3^s for the freight of 44 great guñs & powder fuitable for them & for other disbursements by him made in Shipping the s^d Guns &^c for the Service of this Countrey obtained an ord^r to be paid the s^d Sum by M^r Auditor out of the impost of two Shillings p hogsh^d or out of the association money together with the interest of the Same at the rate of Six *per Cent* p annu. from the time of his disburseing the said Moneys to the day he shall be reimburs^t the Same, and alsoe praying an order of this Assembly to reinforce and confirme the said former Order he having rec^d assuurance thereupon to be paid 100^l *Sterl.* in the hands of *Nath^l Bacon* Esq^r late Auditor of *Virg^a*

It is the Opinion of this house that forasmuch as no satisfaction hath beene yet made unto the s^d Collⁱ *Cuthbert Potter* according to the s^d former Order of Assembly of the 8th of *June* 1680 that the said Order is still in force and vertue and that the moneyes first disbursed together with all such Sum & Sums of money as have since become due or hereafter may accrue due thereupon ought to be satisfied & paid pursuant to the intent & directions thereof.

The house adjourned 'till foure a clock afternoone.

Post Meridiem.

THE house mett.

The house tooke into consideration the Severall amendments and clauses propofed by y^e Councell to the byll for ports &^c Severall whereof were by y^e house agreed to and Severall disagreed to whereupon a Conference wth the Council was desired and held touching the Subject matter of the Said Clauses & amendments & upon reporte of the Same, the house drew up agreed upon & adhered to Some certaine Clauses and amendments which the Council upon a Second Conference wholly concurred with.

Ordered that the said byll with the amendments & clauses be fairly engrossed for Sygneing.

A byll for a free trade with Indians being sent to the Councell for concurrence was returned wth the propofall of a Clause to be added thereto & the said Clause being agreed to by the house was added, and the byll with the Clause ordered to be carryed back to the Councell and by them return'd agreed to.

Ordered that the said Byll wth the Clause be fairly engrossed for Sygneing.

A byll to prevent horses running at large and barking fruit trees with an explanatory provifoe added thereto at the instance of the Councell, returned by them agreed to.

A byll for the more effectuall Suppressing the Severall Sins & offences of Swearing, curseing, prophaneing God's holy name, *Sabbath* abuseing, drunkenness, Fornication and adultery returned from the Councell wth amendments the said amendments being read in the house and not agreed to, a Conference was desired wth the Council touching y^e Same & M^r *Robinson* Maj^r *Scarburgh*, Cap^t *Smith*, M^r *Harrisson*, M^r *Hartwell*,

M^r

Mr Cary & Coll^l Lawson were appoynted to manage the said Conference and to meet in the Evening after the rising of the house.

A byll for alteration of the time of Proceffioning of Lands read the 2^d time and ordered to be engrossed and read a third time.

An Engrossed byll declareing the duety of Tanners Curriers & Shooemakers read the 3^d time and passed and Ordered to be carryed to the Councell for their Concurrence.

An Engrossed byll enjoyneing the planting and dressing of flax and hemp read the third time and passed and ordered to be carryed to the Councill for their Concurrence.

An Engrossed byll for deviding *Lower Norfolke* Countie read the third time and passed and ordered to be Carryed to the Councill for their Concurrence.

An Engrossed byll provideing for the better defence of the Countrey read the third time and passed and ordered to be Carryed to the Councill for their Concurrence.

Ordered that the Committee of Greivances & propositions doe prepare and bring in a byll empowering and appointing a Treasurer to receive all Such Sum & Sums of money as Shall arise out of the Imposition laid upon Skiñs furs &c from the Severall Collectors thereof.

The hon^{ble} Coll^l *Edw^d Hill* nominated by y^e house to be constituted Treasurer of the Said Imposition.

The house adjourned 'till Seaven a Clock tomorrow morning.

Fryday May y^e 15th 1691.

THE house mett

An Engrossed Byll for the alteration of the time of proceffioning of Lands read the third time and passed and Ordered to be carryed to the Councill.

Mr *Xpher Robinson* from the Conference wth the Councill about the amendments proposed by them to the Byll for the more effectually Suppressing the Severall Sins and offences of Swearing, curseing prophaneing Gods holy name, *Sabbath* abuseing drunkenesse, fornication and adultery Reported that they had acquainted the Councill with the desire of the house for the Concurrence of their Hon^{rs} to the 1^d Byll without takeing therefrom the two clauses or provisos as was offered, and that their Hon^{rs} Strictly insisted upon & adhered to the amendments proposed by them, whereupon the Question being put for the Concurrence of the house to the 1^d proposall of the Councill.

Resolved in the affirmative and Ordered that according to the proposition of the Councill the Byll be fairly engrossed for Sygneing without the two Clauses or provisos excepted against by y^e Councell.

Vpon Reading the Proposition of the Councill that the Colledge intended to be erected be placed neare Some Towne & after Some debate thereupon the Question was put.

Whether the house will concurr wth y^e Councill in their proposition, that the Colledge be near Some Towne.

Resolved in the affirmative

Then the house entred into debate of y^e place for the Colledge, & the Question being put whether it Should be on the South Side or the North Side of *Yorke* River.

Resolved That it be on the South Side of *Yorke* River upon the land late of Coll^l *Townesend* deceased now in the possession of *John Smith* and near to the port appoynted in *York* County.

Mr *C^r Robinson* Maj^r *Scarburgh*, Mr *Hartwell* Cap^t *Smith* Mr *Cary*, Mr *Harrisson* & Coll^l *Lawson* being appointed to manage a Conference with the Councill upon the pointes agreed about the Colledge Mr *C^r Robinson* reported from the said conference.

That having acquainted the Hon^{ble} Councill (the L^t Governor being present) that the house had agreed, pursuant to their Hon^{rs} proposition, that the place be on

the

the South Side of *York River* on the plantation late of Coll^l *Townesend* &c The Councill agreed thereto, and to the other part the Councill Concurred.

That the Number exceed not twenty to take the Royal Charter for erecting the Colledge.

That the hon^{ble} y^e L^t Governor be one.

That there be four of y^e hon^{ble} Councill as their Hon^{rs} shall agree.

That there be foure of the Clergy whereof two to be in place of Master of y^e Colledge & professer of divinity, And that nine others be nominated and appointed by this house &

Ordered, that every Member of the house doe prepare a list of nine persons in paper whome he shall think fitt to be presented to their Ma^{ties} for the Takeing of their Majesties Royall grant of a Charter for the Colledge & put the Same upon the Table in the afternoone.

The house adjourned 'till foure a Clocke afternoone

Post Meridiem.

THE house mett

A byll brought in by the Committee of Greivances & Propositions for Suppressing out lying Slaves read the 1st Time & ordered a Second reading.

The Severall Members of the House having according to Order, laid upon the Table their Severall lists of nine persons names to be presented for the takeing their Ma^{ties} grant of a Charter to erect a Colledge M^r *Heartwell* & two more of y^e house were directed to view the lists, & to Report to the House upon which nine persons mentioned in the f^d lists the Majority shall fall wth all convenient Speed.

M^r *Hartwell* reported, that the nine persons upon whome the Majority fell were Coll^l *Nath. Bacon* Coll^l *Jⁿ Page* L^t Coll^l *Thomas Millner* Speaker, M^r *Christopher Robinson*, M^r *Charles Scarborough*, Cap^t *Jⁿ Smith*, M^r *Benjⁿ Harrisson*, M^r *Miles Cary*, M^r *Henry Hartwell*, and it was *Resolved* That their names accordingly be inserted in the instructions in order to be presented to their Ma^{ties} for that purpose.

M^r *Christopher Robinson* from the Committee of Grievances and propositions brought into the House an Adresse to be presented to the L^t Governor for the prohibiting the *English* to Seate beyond *Blackwater Swamp*, according to the former Order of the house which was laid upon the Table.

A Message from the R^t hon^{ble} the Liev^t Governor & Councill by M^r *Edwards* to acquainte the house they had agreed upon foure of y^e Councill *Viz* M^r Secretary *Cole*, *Ralph Wormely* Esq^r W^m *Byrd* Esq^r & *Jⁿ Leere* Esq^r two of the Clergy *viz*. The Reverend M^r *James Blaire*, & the Reverend M^r *John Bañister* to be presented to their Ma^{ties} to take their Royall grant of a Charter for a Colledge, and left the other two of the Clergy to y^e election and nomination of the House.

And likewise that the Councill have taken the Examinations & depositions of the Gentlemen of *lower Norfolk* sent by y^e house relateing to the matter of Complainte against Cap^t *John Jennings* the Comodore and likewise that they have appointed three of the hon^{ble} Councill to meet Such members of this house as shall be appointed to hold conference about the Same tomorrow morning after prayers.

M^r *Edwards* from the Councill brought into the house the five bills, *viz*

A byll declareing the duety of Tanners Curriers & Shoemakers.

A byll for devideing *lower Norfolk* Countie.

A byll enjoyneing y^e planting & dressing of flax and hemp

A byll Provideing for the better defence of the country

A byll for the alteration of the time of processioning of Lands.

lately sent for their hon^{rs} Concurrence, together with a paper of amendments relateing thereto, which were received & laid on the Table.

The house adjourned 'till to morrow morning Six a clocke.

Saturday

Saturday May y^e 16th 1691.

THE house mett.

A byll for Suppreffing out lying Slaves read the Second time
Ordered to be engrossed & read the third time.

A byll declaring the Duety of Tanners, Curriers & Shoemakers return'd from the Councill agreed to.

A byll for deviding *Lower Norfolk* County return'd from y^e Councell agr^d to.

A byll enjoyneing the planting & drefing flax and hemp returned from the Councell agreed to wth amendmets proposd which Said amendmets being read were agreed to by y^e house & the byll ordered to be amended accordingly & fairly engrossed for Sygneing.

A byll for the alteration of proceffioning of lands returned from the Councill wth the Proposition of a claufe to be added thereto which being read the Queftion was put whether the house will agree to the f^d Proposition & it passed in the Negative.

A byll for the better defence of the Country returned from the Councill with amendmets, proposd the said amendmets were read & agreed to & a claufe to answer the Same was ordered to be drawne & reported to the house.

Mr *Robinson*, Maj^r *Scarburgh*, Mr *Harriffon*, Coll^l *Lawson*, Coll^l *West*, Cap^t *Randolph*, Cap^t *Eps*. Mr *Leigh* Cap^t *Smith* & Mr *Cary* are appointed immediately after prayers to hold conference with the Councill upon the pointe yesterday proposd by them, and after the f^d Conference to move the Councill for answer of the allowance to Coll^l *Ludwell* now lying before their hon^{rs} unreturned to this house.

Mr *Ch^r Robinson* from the Conference wth the Councill concerning the matter of the Comadore Reported the Severall passages thereof, and it was thereupon *Resolved* that the Consideration thereof be referred till *Munday Morning*

Mr *W^m Edwards* brought into the house this following Message which was read

By y^e hon^{ble} their Ma^{ty} Councell

Mr *Speaker*

Having received a Verbal message from your house that wee would returne an answer to the proposall about allowance to Coll^l *Ludwell* wee conceive that the duety on Lique^r was not raised for Such purposes, Yet to gratifie yo^r propose, that if you allow y^e Claimes Sent from us, which are just and *Bona fide* were for their Ma^{ties} & the Countries Service, and have always beene paid by y^e Pole and therefore within the intent of the Law: wee will agree to allow it, otherwise wee propose that both be sent for *England* for their Ma^{ties} determination

May y^e 16th 1691

By Order of the Councill

W. Edwards Clerk Gen^l Assembly.

Cap^t *John Smith* had leave given upon his request, to goe out of Towne 'till the meeting of the house on *Munday Morning*.

The house adjourne'd 'till afternoone.

Post Meridiem.

THE house mett.

Mr *Rob^t Boling* had leave given upon his Request to goe out of Towne 'till the meeting of the house on *Munday Morning*.

Ordered, that the Committee of publique Claimes doe take into their immediate consideration a proposition for the raising of an allowance to the Liev^t & eleven Soldiers at the heads of the Rivers placed by y^e R^t Hon^{ble} the Liev^t Governor, & Councill, and report an allowance for them as the Law directs untill the 15th day of *November* next.

The house adjourned 'till *Munday Morning* Seaven a clocke.

Munday

Munday y^e 18th day of May 1691.

THE house mett.

The Committee of Claymes according to Order brought into the house their Report for allowance to the L^t Eleven Soldiers & 2 Indians placed by the R^t Hon^{ble} the L^t Governor & Council at the heads of the great Rivers, which was read and approved of.

A byll for Suppressing out lying Slaves read y^e 3^d time & passed and Ordered to be carried to the Council for concurrence.

The house Resolved into a Committee of the whole House to consider of allowances to the Officers of the house and after some time spent therein, M^r *Speaker* resumed the Chair & Maj^r *Scarburgh* reported from the said Committee that they had agreed upon Severall allowances which he read in his place, and delivered in at the Table and the Same being there read were approved and confirmed by y^e House.

M^r *Hartwell* & M^r *Ring* appoynted to waite upon the R^t Hon^{ble} the L^t Governor: & desire his Honor will please to assigne Council to administer the oaths enjoined by act of Parliament instead of the Oaths of allegiance & Supremacy & alsoe the oath of a Burgesse unto M^r *James Bray* a member of the house.

The Reverend M^r *Jⁿ Fornifold* & y^e Reverend M^r *Stephen Fauce* were nominated by y^e house to be inserted with the persons already nominated to take their Ma^{ties} Royall Grant of a Charter for a Colledge.

Resolved that the byll for alteration of the time of processioning lands be offered againe to the Council & their Hon^{rs} desired to pass the same without amendments.

The house tooke into Consideration the message brought from the Council by M^r *Edwards* on *Saturday* Last concerning the allowance to Coll^l *Ludwell* and thereupon drew up this following answer to returne in Writeing *Viz*

To the Hon^{ble} Council

The house of Burgeses having received a written answer from yo^r hon^{rs} to the proposall Of an allowance to be made to Coll *Phillip Ludwell* wherein yo^u are pleased to take notice, that the duty on Liquors was not raised for such purposes, & yet were pleased to propose, that if this house would allow the Severall Claimes then Sent from yo^r Hon^{rs} yo^u would agree to allow y^e 25^c S^t to Coll^l *Ludwell*, This house takeing the Same into their serious Consideration finde themselves obliged to remember, yo^r Hon^{rs} that the Services done by Coll^l *Ludwell* having beene Soe much to the advantage of this Countrey in Gen^l & wherein yo^r Hon^{rs} have beene equall Sharers, they hope the Same will be allowed without any Condition or precontract This house being allways ready to allow all such Claimes as appeare to be justly due and ought to be paid by y^e Publique.

May y^e 18th 1691.

The house adjourned 'till three a clock afternoone.

Post Meridiem

THE house mett

W^m *Byrd* Esq^r & Jⁿ *Leere* Esq^r upon request of the house this morning being commissioned by y^e R^t Hon^{ble} the L^t Governor to administer the Oaths enjoined by Act of Parliam^t instead of the Oaths of allegiance & Supremacy & the Oath of a Burgesse unto M^r *James Bray* Burgesse elected & returned for *James City* Countie, came into the house for that purpose, & having tendered the said Oaths unto him the said M^r *Bray* thorough Scruple of Conscience refused to take them & thereby was disabled to Serve in this present assembly.

A Clause being prepared to answer the proposition of the Council to the byll providing for the better defence of the Countrey was read in the House three times & passed

Ordered

Ordered to be fairly transcribed and with the byll carryed to the Councill.

M^r C^r *Robinson* from the Committee of Greivances & Propositions Reported that according to Order they had prepared a Byll appoynting a treasurer which was read the 1st time and ordered a Second reading

M^r C^r *Robinson* Reported from the Said Committee that they had prepared an addresse to their Ma^{ty} upon the Severall heads given them in direction from the house, which he read in his place and delivered in at the Table & the same was ordered to be read againe to morrow morning.

Ordered That Cap^t *Smith*, Cap^t *Randolph*, Cap^t *Cary* Coll^l *Arthur Smith* & Coll^l *Lawson* doe at the rising of y^e house carry to the Councill the answer of this house to their Hon^{rs} Message of *Saturday* last concerning the allowance to Coll^l *Ludwell* with the Severall answers & allowances of this house upon the objections & propofalls lately Sent from the Councill touching Severall matters of Claime.

The house adjourn'd 'till to morrow morning Six a Clocke.

Tuesday May the 19th 1691.

A BYLL appoynting a Treasurer read the 2^d time ordered to be engrossed and read a 3^d time

The addresse to their Ma^{ties} according to the Order of Yesterday was read and approved and *Ordered* that the said Addresse be presented to the Hon^{ble} Councill and that they be desired to joine with the House in the Same, & that if they shall not be pleased Soe to doe, that then they be desired to be a meanes to obtaine leave from the R^t Hon^{ble} y^e L^t Govern^r for this house to appoynte some fitting person to present the 1^d Addresse to their Ma^{ties} from this house & in their behalves to Sollicit & to obtaine a favourable answer to the Same, & to imploy soe much of the money now in Banck from the imposition of y^e 3^d p gall^a upon Liquor^s as shall be Sufficient to defray the needfull Charge thereof.

Vpon a debate concerning a person to be employed for y^e Solicitting & Carrying on the desygne of y^e Colledge, the Question being put Whether it be not of absolute necessitie for the obtaineing of the Royall grant for the erecting a Schoole & Colledge in this Dominion, that Some fitting person of the Clergy here be employed in *England* to Solicit and endeavour the same, It passed in the Negative.

Ordered That M^r W^m *Church-hill* accompanied with divers other members doe waite upon the Hon^{ble} Councill & present the addresse to their Ma^{ties} this day read in the house.

M^r C^r *Robinson* Reported from the Committee of Grievances & Propositions, that they had prepared an answer to that part of the L^t Governo^rs Speech which relates to the building an house for the Governour and the same was read & approved

To the R^t Hon^{ble} the Liev^t Governo^r of Virg^a

May it Please yo^r hon^r

The house of Burgeses having seriously considered the propofall made to them by yo^r hon^{rs} ab^t building an House for the Residence of the Governo^r of this their Ma^{ty} Dominion, are very ready & willing to agree to and forward the Same soe far as they are capable, but are not able to give a full answer vntill yo^r Hon^r shall be pleased to let them know what place will be most convenient to sett such house at, and of what demensions the Same ought to be, that they may be the better able to Judge of the Charge of doeing the same, which they shall be ready to consent shall be paid out of their Ma^{ties} Revenue of this Country as the same will beare it.

Ordered, that the Said Answer be fygned by M^r *Speaker* and presented to the L^t Governo^r

Ordered

Ordered That Mr *Robinson* Mr *Scarburgh* Mr *Hartwell* Cap^t *Smith*, Mr *Cary*, Mr *Harrisson* & Coll^l *Lawson* doe carry forthwith unto the Councill.

A byll for Suppreffeing out lying Slaves

A byll provideing for the better defence of the Country with a Clause according to their hon^{rs} propositions.

A byll enjoyneing the planting & dresseing of flax with the amendment according to the proposition of y^e Councill.

A byll for the alteration of the time of proceßiong of Landes and that they alsoe present to the R^t Hon^{ble} the L^t Governo^r the answer of the house to his hon^{rs} proposall concerning the building of an house for the Governo^r to reside in.

A byll for the Alteration of the time of proceßioning of Lands return'd from the Councill agreed to.

A byll enjoyneing planting & dresseing of flax return'd from the Councill agreed to.

A Message from the Councill by Mr *Edwards* who brought into the House a further answer from the Councill concerning the allowance made by the house to Coll^l *Ludwell* in Writeing and alsoe an answer to the returnes of this House to the additions made by their Hon^{rs} to the Claimes in writeing.

And alsoe informed the house in answer to the application made to their Hon^{rs} concerning y^e matter of y^e Comadore that if this house shall draw up an addresse to their Ma^{ties} & the Liev^t Governor & their Hon^{rs} shall approve thereof they will joyne with this house in presenting y^e Same to their Ma^{ties}.

The humble Supplication of the General Assembly of *Virga* to their Ma^{ties} concerning a Colledge being broug't into the house by Mr *X^r Robinson* who was appoynted with Several others members to conferre with the Councill about that affair was read in the house and approved of.

The house adjourned 'till three a clock afternoone.

Post Meridiem

THE house mett.

The house having read a reply of the Councill to the answer of the house to certaine Proposals of allowance made by their hon^{rs} and not agreeing thereto, *Ordered* that a Conference be held touching the Severall matters contained in the said Reply & that Mr *Robinson* Maj^r *Scarburgh*, Mr *Harrisson*, Coll *West*, Cap^t *Randolph* Cap^t *Eps* Cap^t *Smith* Mr *Cary* Mr *Carter* Mr *Ring*, Cap^t *Whitaker* and Mr *Lewes* Manage the Same & forthwith apply themselves to the Councill in order thereto.

Mr *Church-hill*, Coll^l *Lawson*, Mr *Leigh*, Mr *Barbar*, Mr *Brassier*, Maj^r *Robins* & Mr *Hartwell* were appointed a Committee to draw up an addresse to their Ma^{ties} & to lay before their Ma^{ties} the great abuses & affrontes done to this Government in generall & to Severall Inhabitants in Perticular by Cap^t *Jn^o Jennings* Comand^r of their Mat^{ties} Shippe the *Experiment* and to report the Same to the house with all convenient Speed to the end that being approved by y^e house, the same may be presented to the L^t Govern^r & Councill for their approbation & joyneing with this house according to their Message of this Morning.

Ordered that the said Committee have power to send forth Evidences & papers relating to the f^d affaire.

A byll for the better defence of the Countrey returned from the Councill agreed to.

A byll for Suppreffing out lying Slaves returned from the Councill agreed to with the proposall of a provisoe and a Clause w^{ch} said Clause & Provisoe being read the House agreed to & *Ordered* the f^d Clause & Provisoe to be annexed to the byll & fairly engrossed with the same for Sygneing.

The house adjourned 'till tomorrow morning six a Clocke.

Wednesday

Wednesday May y^e 20th 1691.

THE house mett.

Mr *Xpher Robinson* haveing made Report of the conference held with the Councell Yesterday, & the Same being by the Respective members ordered to accompany him therein affirmed to be an exact relation of the Severall passages at the Same. The house did agree and Resolved that he had faithfully and fairly discharged his trust in a punctuall pursuance of y^e directions of the house and that he had not exceeded the Same.

A Message by Mr *Edwards* from the Councell who brought into the house y^e addresse to their Ma^{ties} Sent to their Hon^{rs} Yesterday with a Written answer thereto, wherein amongst other things their hon^{rs} haveing Signified, that if this house shall appointe Some of their members, there will be Some of the Councill appoynted to meet them after prayers to finish a congratulatory addresse to their Ma^{ties} in the name of y^e R^t Hon^{ble} the L^t Governo^r Councell & house of Burgeses.

Mr *Robinson* Maj^r *Scarburgh* Mr *Hartwell* Cap^t *Smith* Mr *Cary*, & Mr *Harrisson* were appoynted to attend their hon^{rs} accordingly and they were alsoe desired by y^e House to endeavour that the hon^{ble} Councill may joyne with the House in such further Articles of their Petition to their Ma^{ties} as they may be reasonably induced to, more then what they have already propofed.

Mr *Church-hill* &c Reported from the Comitte to whome the Same was referred, that according to Order they had prepared an addresse to their Ma^{ties} concerning the Matter of the Comadore which he delivered in & was read & approved.

Ordered, that the f^d Addresse be forthwith carried to the R^t Hon^{ble} the L^t Governor and Councill & that Mr *Hartwell* Mr *Cary*, Mr *Ring* & Coll^t *Lawson* doe the same.

Resolved that the R^t Hon^{ble} the L^t Governo^r be desired in Such time and Such manner as his hon^r shall thinke fitt to issue out new breifs to the Severall Counties of this Countrey for the receiveing of Such contributions towards the erecting & Supporting of the Grammer Schoole and Colledge as intended in moneyes tobaccos or other benevolences as the respective benefactors shall be capable and willing to bestow.

Mr *C^r Robinson* Reported from the conference That the L^t Governo^r & Councell in a Congratulatory addresse to their Ma^{ties} will joyne with this House, and That the Councill adhered to their first propositions upon the addresse offered from the house & were willing to Joyne, in a petition to their Ma^{ties} for Such matters as were therein contained & it was thereupon referred by y^e house to Mr *Robinson* Maj^r *Scarburgh* Mr *Hartwell* & Cap^t *Smith* to prepare Such an addresse and Petition & report the Same to the house.

Ordered that the f^d Comitte doe also consider of such matters contained in the addresse as it went from the house to the Councill, and Shall not be inserted in the said addresse & petition now to be prepared, and in the name of the house draw up a petition upon such pointes thereof as shall be thought convenient.

The 2 bookes of Claimes with the addition of Severall allowances made in the house upon the propositions of the hon^{ble} Councill agreed to by the house were sent by Coll *Lawrence Smith* to the Councill.

The house adjourned till 3 a clock afternoone.

Post Meridiem.

THE house mett.

A message from the Councill by Mr *Edwards* who brought into the house the Supplication Sent from the house to their hon^{rs} concerning the Colledge, and the addresse concerning the matter of the Comadore with their Hon^{rs} answer to the same in Writing

And alsoe acquainted the House from the R^t hon^{ble} the L^t Governour That Mr *Eburne* Minister who lately issued out a Precept for *Ralph Flowers* Clerk of *York* parish to

to answer before him Severall allegations complaints & misdemeanors, and Mr *Sclater* Minister who procured the Same had before his Hon^r acknowledged their Errors, and that his hon^r had Sent to the house to know, if they desired any further proceedings against them, to which the house returned answer, that being well satisfied of his Hon^r care in that affaire they humbly Submitted it to his hon^r prudence.

The addresse concerning the Comodore being returned from the Councell with the Propofall of amendments, the f^d amendments were read agreed to, & made in the Same & y^e addresse ordered to be entered on the Journall & fairly transcribed aga^t tomorrow morning.

Virg^a

To their Most Sacred Maties

Wee yo^r Ma^{ties} most dutiefull and Loyall Subjects yo^r L^a Governo^r Councell & Burgeffes of this Generall Affsembly now assembled.

Most Humbly present.

That whereas yo^r Ma^{ties} & yo^r Royall ancesto^{rs} were most gratioously pleased by yo^r Comissions to the Govern^r or Comanders in Cheife for the time being of this Government amongst other things therein, to give full power and authoritie with the advice and Consent of y^e Councill to erect, constitute & establish such & soe many Courts of Judicature & publique Justice within this Governm^t as the f^d Govern^r & Councill shall think fitt and necessary for the hearing & determining of all causes as well criminall as Civill, & to constitute and appoynt Judges & in cases requisite Commissioners of Oyer & Terminer Justices of the peace, Sheriffs and other necessary Officers and Ministers for the better administration of Justice & putting the lawes in Execu^{cion} & whereas pursuant to the aforefaid power Comissions have been granted time out of minde to the respective Counties of this Colony (whereof the Countie of *lower Norfolk* is one) to hear and determine at least once in two moneths all Suites & controversies betweene party & party as near as may be according to the lawes of *England*, & the lawes and Customes of this Countrey and further to keepe or cause the Clerke of the Courte to keep Records of all Judgm^{ts} & matters of controversies decided and agreed upon, and whereas for the dispatch of Merchants and other Sea affaires, which cannot w^{thout} much prejudice & detriment to the f^d Merchants & other Seafaring men be deferred till Courts in Course shall come, It is by one Act of Assembly Enacted that it shall be lawfull for any Justice of the Quorum by his Warr^t directed to y^e Sherrieff to call a particular Courte & Summons any person or persons before them; and whereas on the first day of this instant *May* 1691 *Christopher Thurston* Master of the Shipp called the *little John* rideing at an anchor in *Eliz^a River* made complainte to Cap^t *W^m Crafford* one of their Ma^{ties} Justices of the Peace in Quorū. for the f^d County of *Lower Norfolk* against one *Jn^o Porter* of y^e f^d County Junior, that the f^d *Porter* was indebted to him, & had abused him in his reputation, & thereupon desired that a Speciall Courte might be called, to decide the two aforef^d differences upon which y^e Said *Crafford* Directed his warrant to the Sherrieff of y^e f^d County to Summons a Courte & a Jury to attend the Same to meet at the usuall place for holding Courtes in the Town of y^e f^d Countie on the 7th day of this inst^t *May* to decide the two aforefaid differences which day being come the Justices mett, & satt, a Jury was impanelled to try the matters of fact, and all officers according to their duty attended; the Court was proclaimed as prescribed by law, the plaintiff and Defend^t both in person at the barre, plaintiffs declaration read, & the cause argueing, but before any Judgement was given on either of the f^d differences Cap^t *Jn^o Jennings* Comand^r of yo^r Ma^{ties} Shipp *Experim^t* came with his Boate well manned and armed, *Vizt* Guis Swords, clubbs Baggonets & one or more axes to the Courthouse landing & from thence went directly towards the Courthouse; in which way he mett with the high Sherrieff of the f^d County called him Rascall & held up his Cane Saying that he Could finde in his heart to breake his pate, with many more grofs and base wordes & languages and then came directly into the Courthouse & without Speaking one word tooke the f^d *Porter* the Defend^t by y^e hair of the head pulled him from the Barr into the midst of the Courte house, threw him there on y^e ground & kickt

kickt at him & some of the standers by offering to assist the *1^d Porter* the *1^d Cap^t Jennings* laid his hand on his Sword, drew it partly out, & some of his men struck some of the Jury, after which the said *Jennings* & his men with force and armes carried the *1^d Porter* into his boate & from thence on board their Ma^{ty} Shipp *Experim^t*, where the *1^d Porter* was immediately put into Irons & soe continued for the Space of Severall dayes, & Cap^t *Jennings* not being on board, the Officers denyed to deliver him, when the Sherriff of the said County went on purpose by expresse warr^t from the Governo^r and Councell on board to demand him, all which actings & doings of yef^d Capt *Jn^o Jennings* (being fully made appeare & proved by divers good Evidences before yo^r Ma^{ties} L^t Governo^r & Councell) are of dangerous consequence & tend to the Contempt of yo^r Ma^{ties} Authoritie in this Governm^t established & to the Lett and hinderance of y^e Lawes of y^e Land and to the great infringem^t of the Subjects liberty, & whereas the *1^d Cap^t Jn^o Jennings* is at this time Comadore in this Country, & consequently has the Charge of conducting & convoying many & considerable Shippes of great Value, from this Dominion to the Kingdome of *England* should any of which be lost, it would tend much to the losse of yo^r Ma^{ties} interest & Revenue wee therefore judgeing it most to yo^r Ma^{ties} Service to waive the bringing him to Tryall in this Government for the aforesaid Offence, & to leave him to yo^r Ma^{ties} Pleasure.

May it therefore please yo^r Ma^{ties} with soe favourable and gracious an eye to looke upon this your Governm^t that after the *1^d Jennings* his arrivall within yo^r Ma^{ties} Kingdome of *England*, to prevent the like injuries & Offences, to be committed by men of such & the like Circumstances to your dutiefull Subjects of this Dominion, the *1^d Jennings* may be called before yo^r Ma^{ties} & dealt with all as yo^r Ma^{ties} in your princely widdomes shall thinke fitt.

The Supplication concerning the Colledge returned from the Councill approved of, *Ordered* to be Entred upon the journall & fairly transcribed against to morrow morning.

To their most Excell^t Ma^{ties} W^m & Mary by y^e Grace of God of England, Scotland, France, Ireland, & Virg^a King & Queene Defenders of the Faith &c

The humble Supplication of y^e Generall Assembly of Virg^a

Wee the L^t Govern^r Councill & Burgeesses of this general Assembly which is the first since your Ma^{ties} most Gracious & happy reigne over us being encouraged by yo^r Princely Zeall for Promoting Religion & vertue, and incited by y^e urgent necessities of this yo^r Ma^{ties} Dominion, where our youth is deprived of the benefitt of a liberal & vertuous Education, and many of our Parishes of that instruction & comfort which might be expected from a pious & learned ministry have unanimously Resolved as the best Remedy for those great evils, and as the most Suitable expression wee can make of our hearty concurrence with your Ma^{ties} in Supporting the Protestant Religion, & the Church of *England*, humbly to Supplicate yo^r Ma^{ties} for your Royall grant & Charter to erect & endow a free Schoole & Colledge within this yo^r Ma^{ties} Dominion, as to the particulars relating to the *1^d Desygne* wee have given our Instructions to the Reverend M^r *James Blayre* whome wee have appointed to present this our humble Supplication, & to attend & receive your Ma^{ties} Comands thereupon, But since wee desygne that our intended free Schoole & Colledge together with learning and vertue may convey to future generations the memory of our Obligacons to your Ma^{ties} which there is noe fear that wee of the present age can ever forgett, besides what is contained in the *1^d Instructions* wee humbly pray that the said Schoole & Colledge may transmitt to our Posterity those names which are so deare & auspicious to us, and may accordingly be called the Colledge of King *William* and Queen *Mary*, That God may make yo^r Ma^{ties} happy in thankfull & obedient Subjects, as your Subjects are in a King & Queen that answer, their very wilhes is the hearty prayers of.

M^r *Christopher Robinson* Reported from the Comitte to whome the same was referred that they had prepared an addresse to be presented to their Ma^{ties} by y^e L^t Govern^r

Govern^r Councill & Burgeffes of y^e Generall Assembly which he read in his place & was approved & Ordered to be sent to the Liev^t Govern^r & Councill for their approbation.

M^r C^r *Robinson* reported from the said Com^{it}tee that they had prepared a petition according to Order to be presented to their Ma^{ties} from the Councill & Burgeffes of this Dominion, which he read in his place & was approved of & Ordered to be carryed to the Councill for their approbation.

The two bookes of Claimes and additions thereto this morning sent to the Councill returned assented to.

A byll for lessening the levy by y^e pole and laying an Imposition upon Liquo^{rs} read the 3^d time & passed & Ordered to be carryed to the Councill for their Concurrence.

A byll appointing a Treafurer read a third time after a clause drawne at the Table and added thereto passed & Ordered to be carryed to the Councill for Concurrence.

Cap^t W^m *Randolph*

M^r *Joseph Ring*

M^r *Hen: Hartwell*

M^r *Benj: Harrisson*

M^r *Miles Cary*

& M^r W^m *Church-hill*

Appointed a Com^{it}tee to proportion the Levy.

The house of Burgeffes being very Sencible of the great worth of the R^t hon^{ble} *Francis Nicholson* Esq^r their Ma^{ties} Liev^t Govern^r of this their Dominion as well as of the great care & paines he hath taken from his first comeing into this Government in Visiting all the Frontiers Seeing the Militia well Ordered & Trained and using all prudent meanes for preserveing their Ma^{ties} Subjects here in Peace & Security & in the Worthy discharge of all other things relateing to their Ma^{ties} Service & the generall good & wellfare of this Countrey they being desirous to make the best acknowledgem^t they are able at present of y^e same doe humbly desire the hon^{ble} their Ma^{ties} Councill to Joyne with them in praying his hon^r to accept the Sum of three hundred pounds *sterling* out of the money now in M^r *Auditor* *Byrd*'s hands raised by the duty upon liquo^{rs} not as a proportion Equivalent to his merrit but as an exp^{re}ssion of their gratitude.

The house adjourned 'till tomorrow morning Six a clocke.

Thursday May y^e 21st 1691.

THE house mett.

M^r C^r *Robinson* Reported from the Com^{it}tee of grievances & Propositions that they had prepared a petition for this house to present to their Ma^{ties} which he delivered in & was read and approved & Ordered to be entered upon the journall & forthwith fairly transcribed.

To the King & Queen's most excell^t Ma^{ties}

Wee your Ma^{ties} most Dutifull & loyall Subjects the Burgeffes of the Gen^l Assembly of *Virg^a* being desirous to expresse our duty & thankfullnesse for yo^r early care of yo^r loyall Subjects the Inhabitants of this Country, amongst whome yo^r Royall Com^{an}ds have met with a ready Obedience beg leave to acknowledge yo^r Princely Goodnesse & favour in appointing *Francis Nicholson* Esq^r Liev^t Governo^r over us, (whose continuance wee humbly desire) by whose great care, just & prudent administration of affaires wee enjoy Peace and Security when most of o^r Neighbours are in disorder.

Yo^r Ma^{ties} Royall Com^{an}ds Signified by yo^r Ma^{ties} Order in Councill of the 9th of *September* 1689 for the remedying & redressing of Several Greivances complained of in a Petition of a former house of Burgeffes, presented to yo^r Ma^{ties} by *Phillip Ludwell* Esq^r were likewise a most princely & lively Testimony of yo^r gracious favour and disposition towards us.

Wee therefore relying on yo^r Royall goodnesse, presume in all dutyfull and humble manner in the name & on the behalfe of o^r Selves, & all yo^r dutyfull Subjects of this yo^r Dominion whome we represent to beseech yo^r Most Excellent Ma^{ties} that for the comforting & quieting the minds of Such of yo^r dutyfull Subjects as are allready settled

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& inhabiting here, who have much beene disturb'd & disquieted with fear of grants made, or endeavoured to be procured tending to the removing them to a remoter degree, from yo^r Royall care & protection, & thereby to introduce Some new waies of Government not agreeable to the lawes & constitutions of that yo^r noble & autient Kingdome of *England* from whence we are descended, & for the encouragement of others to adventure hither & fettle amongst us to grant

That the autient and good Practise of makeing appeales from the Gen^l Courte to the Gen^l Assembly for the trying and reverseing Erroneus judgm^{ts} given or which may be given in the said Courte, & which to the Generall benefitt of yo^r Ma^{ties} Subjects was the constant custome & practise from the first Settle^{mt} of the Govern^{mt} of this Countrey untill y^e yeare 1682 that it hath beene interrupted and discontinued, may be renewed & continued there being noe other way to try the Erro^{rs} of that Courte for any thing Vnder the value of three hundred pounds *Sterl.* & for things above, that Value for which liberty is given for appeales to be made to yo^r Ma^{ties} & y^e Lords of yo^r Ma^{ties} most hon^{ble} privy Councill, wee humbly conceive the same impossible to be put in practise considering our great distance from *England* the Extraordinary Troubles hazard & Charge, that will unavoidably attend the Same, and the impossibility of bringing Evidences, Records, & papers &c

And as yo^r Ma^{ty} have done great & glorious things for redeeming that yo^r autient Kingdome of *England* from Popery & Slavery that yo^r Ma^{ties} out of y^e same yo^r Royall Goodnesse inherrent in yo^r Princely mindes will be pleased to extend yo^r Justice and favour towards us alsoe in yo^r Royall declaration that as wee are descended of *Englishmen* and have Right of Inheritance in *England*, wee have alsoe right to & shall enjoy y^e Just & lawfull liberties & priveledges of free borne *English* Subjects all which wee most humbly Submitt to yo^r Royall goodnes & hope for a Gracious & favourable answer.

And as in duety bound wee shall ever pray for yo^r Ma^{ties} long & happy Reigne over us.

A byll for lessening the levy by y^e Pole & laying an Imposition upon liquors returned from the Councill with amendments, & the said amendments being read the Same were agreed to by the house & the byll ordered to be fairly engrossed for Sygning.

A byll appoynting a Treasurer returned from the Councill with amendments & the 1st amendm^{ts} being read the Same were agreed to by the house & the byll ordered to be fairly engrossed for Sygning.

A Congratulatory Addresse to be presented to their Ma^{ties} from the L^t Govern^r Councill & Burgeses of the Generall Assembly in *Virga* returned from the Councill with some amendments, and the 1st amendm^{ts} being read, were agreed to & y^e 1st addresse Ordered to be fairly transcribed with all possible Speed.

To the King & Queenes most Excell^t Ma^{ties}

The humble addresse of yo^r Ma^{ties} Liev^t Govern^r Councill & Burgeses of the Gen^l Assembly of Virga

Wee yo^r Maj^{ties} most dutiefull & loyal Subjects your L^t Govern^r Councill & Burgeses of this yo^r Ma^{ties} most autient Colony & dominion of *Virga* being truly Sencible of the great blessings, wee and all yo^r Ma^{ties} Subjects enjoy under your Ma^{ties} most happy & just Govern^{mt} humbly pray leave at this the first time of our meeting together (since your Ma^{ties} Accession to the throne) to prostrate our Selves at yo^r Royall feet & make the most thankfull acknowledgem^{ts}, our loyall hearts are capable of for those great things yo^r Ma^{ty} as the blessed Instruments in the hands of God have done for us in soe magnanimously exposing yo^r Royall persons for the rescuing us our Religion, lawes and Liberties from the Dangers & feares wee were ready to Sinke under, and to that God that hath soe signally guided & prospered your auspicious undertakings and defended your Sacred persons from the open force and Secrett contrivances of yo^r Enemies, wee render all thanks & praise, and earnestly pray for the continuance of the Same blessings & that yo^r Ma^{ty} may enjoy a long & happy Reigne over us.

Yo^r ma^{ty} most entirely devoted Subjects

A Petition to be presented to their Ma^{ties} from the Councill & Burgeffes of the Generall assembly of *Virga* returned from the Councill with the proposall of amendm^{ts} & new clauses, which being read the last clause thereof was disagreed to by y^e house and a Conference Ordered to be immediately had with the councell abt the same, upon returne whereof the house agreed to the Report of y^e Conference & y^e Petition was ordered to be fairly transcribed as followeth

To the King & Queenes Majesties

The humble Petition of yo^r Ma^{ties} Councill & the Burgeffes of the Gen^l Assembly of Virga

In all humility Setteth forth.

That being fully assured of yo^r Ma^{ties} Royall protection & favour, which have from the Dread & apprehensions of Popery Slavery & Confusion raised our drooping Spirits to the full hopes & assurance of the Protestant Religion being firmly settled and Secured, & that your Ma^{ties} most graciously are enclined & fully resolved to grant confirme & continue to all yo^r dutyfull Subjects the benefit of yo^r Lawes & there just Liberties.

Wee therefore presume in all dutiefull and humble manner in the name and on the behalfe of our Selves & of all the rest of yo^r Ma^{ties} most dutyfull & loyall Subjects of this yo^r Dominion of *Virga* to beseech yo^r most excell^t Ma^{ties} to be graciously pleased to Confirme the Royall Charter granted to this yo^r Ma^{ties} Dominion by King *Charles* y^e II^d of ever blessed memory beareing date the 10th day of *October* in the 28th yeare of his Reigne and all other Charters Grants and priviledges granted before that time, together with Such further and other additions enlargements & priveledges as yo^r Ma^{ties} in yo^r Princely Wisdomes shall thinke fitt which Royall act would prove a great Comfort & encouragement to all the Inhabitants here, & encourage others to adventure & settle themselves amongst us.

And whereas yo^r Ma^{ties} most dutyfull & loyall Subjects the Inhabitants of the *Northerne neck*, that is, of all the Land lying betweene the two great Rivers of *Rappa* & *Potomack* now are & for a long time past have most unhappily continued Separated from the rest of the Inhabitants of this yo^r Ma^{ties} Dominion, their lands being granted to y^e L^d *Culpeper* & Severall other proprietors by which meanes they have beene deprived of holding their Landes from the Crowne & enjoying the liberties grantes & priveledges which the other Subjects of this yo^r Ma^{ties} Dominion have in a great measure enjoyed, May it therefore please yo^r Royall Ma^{ties} soe graciously to looke upon them, as to take them under yo^r immediate protection, & to restore them, to their auntient liberties by uniteing them to their former state in this Governm^t & commanding Such measures that the lands in that necke may be held as the other lands in this Dominion are directly from yo^r Ma^{ties} which will be a meanes that, that great tract of Land will be well feated & inhabited, & capable of Defending themselves against any Forreigne enemy when they are assured what methods they ought to follow in takeing up lands & what title they have to convey & continue the same to their Posterity, which at present they are altogether ignorant of.

May it likewise please yo^r Ma^{ties} to take und^r yo^r Royall consideration the unhappy circumstances of this poore Countrey which is lyable & Subject either to incursions or Invasions by o^r Enemies, & altogether naked open & defencelesse, not having one fortification in the whole Countrey Sufficient for defending & protecting either the Country or the Shipps trading hither, and the last yeare was in soe great want of armes & amunition that had an enemy appeared it would have beene impossible to have made any resistance or opposition untill yo^r Ma^{ties} out of yo^r Princely goodnesse & care of this your Dominion & the inhabitants thereof were graciously pleased to order one hund^d barrells of Powder to be sent into this Country for which yo^r Ma^{ties} gracious favour according to our bounden duties wee returne our most humble thanks, and now most humbly beseech yo^r Ma^{ties} to give yo^r Roy^l Comands that such part of yo^r Ma^{ties} Revenue in this yo^r Dominion be applyed towards fortifying Such places as shall

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be thought most convenient for the Security of y^e Countrey & defence of Ships, & to Send Such armes and ammunitions towards the defence of the Same as y^r Ma^{ties} in yo^r Princely wifdomes Shall think fitt, wee farther most humbly beſeech yo^r Ma^{ties} y^e General Affembles be held at leaſt once in two yeares & oftner if it ſhall be thought neceſſary to redreſſe grievances and make Lawes for the better Governm^t of this Dominion.

And wee yo^r Ma^{ties} dutyfull & loyall Subjects ſhall ever pray for y^r Ma^{ties} long & happy reigne over us.

Resolved and Ordered That whatſoever Member ſhall depart from attending the houſe before the Concluſion of this Seſſion of aſſembly, ſhall looſe his whole wages.

Coll Lawrence Smith having departed without the leave of the houſe to the prejudice of the affaires of this Aſſembly, It was therefore *Ordered*, that *W^m Drummond* Meſſeng^r of the houſe doe forthwith impreſſe an houſe [horſe] and follow the ſ^d *Coll^t Law: Smith*, and that he take him into Cuſtody & bring him backe to *James City*

M^r Robinſon Maj^r Scarburgh Cap^t Smith & M^r Carter were appointed to withdraw & Conſider of Inſtructions to be given to the Reverend *M^r James Blayre* for the ſoliciting & proſecution of y^e buſineſſe of the Colledge and report the Same to the houſe.

Ordered that the Sum of 200 £ *Sterl.* be put into the hands of the Reverend *M^r James Blayre* towards the Expences & coſts of procureing a Charter for the erecting of the Colledge and that the ſame be paid to him by *M^r Auditor Byrd* out of y^e moneys now in his hands raiſed by the impoſition upon Liquours.

The houſe having made choice of the hon^{ble} *Jeffry Jeoffries Elq^r* to preſent to their Ma^{ties} the congratulatory adreſſe of ye L^t Governor Councill & Burgeſſes of the Gen^l Aſſembly The Petition to their Ma^{ties} from the Councell & Burgeſſes & y^e petition from the Burgeſſes of y^e ſ^d Aſſembly, thereupon *Ordered* Some of the members to acquainte y^e L^t Governour & Councell, therewth, who in anſwer returned a Meſſage by *M^r Edwards* Clerke of the Councill, that their Hon^{rs} concurred in & approved of y^e Choyce of the houſe.

M^r C^r Robinſon Reported from the Com^{it}tee to whom the Same was referred that they had conſidered of & drawn up ſeverall Inſtructions to be given to the Reverend *M^r James Blayre* for y^e Soliciting the buſineſſe of the Colledge, which he delivered in at Table & were read & approved of by y^e houſe & ordered to be carried to the Governor & Councill for their approbation

The houſe haveing agreed that the Sum of 200^l *Sterl* be ordered to be p^d to the hon^{ble} *Jeffry Jeoffries Elq^r* towards the defraying the Charges & expence of preſenting the adreſſe & petitions to their Ma^{ties} and Soliciting & obtaining their Ma^{ties} Gracious & favourable anſwer thereupon ſent a meſſage to the hon^{ble} Councill to acquainte them therewith. who Reported that their Hon^{rs} concurred wth the houſe in the Same, & alſoe in y^e Sumⁿ, ordered the Reverend *M^r James Blayre* towards his expence in Soliciting the buſineſſe of y^e Colledge.

The houſe adjourned 'till 3 aclock afternoone

THE houſe mett.

The hon^{ble} Councill haveing at the deſire of the houſe readily & unani- mouſly joyned wth the houſe in praying the R^t hon^{ble} y^e L^t Govern^r to accept the Sumⁿ of 300^l £ *Sterl.* out of y^e money raiſed from the Impoſition upon Liq^{rs} & now in *M^r Auditor Byrds* hands as an expreſſion of their gratitude & thereupon haveing his Hon^r anſwer that he gratefully received the good will of the Councill & Houſe of Burgeſſes but could not teſtifie the Same by Accepting their preſent without the leave of their Ma^{ties} it being contrary to his inſtructions in that caſe.

The Same was by y^e Councill communicated to y^e houſe and a conference deſired to finde out ſome expedient for the obtaineing their Ma^{ties} leave to that purpoſe, & it being Reported from the ſ^d Conference, That the Councill were willing to joyne with

with the House in an addresse to their Ma^{ties} to grant Leave to the L^t Govern^r to accept y^e f^d Sum^e of 300^l Ster. The house agreed to joyne with their Hon^{rs} and thereupon Ordered M^r C^r Robinson Maj^r Charles Scarburgh & Cap^t Jⁿ^s Smith to prepare a short addresse for their Hon^{rs} & y^e house to present to their Ma^{ties} upon that occasion and to report the same.

M^r C^r Robinson Reported from the Committee, That pursuant to the Order of the House they had prepared an addresse to be joyntly presented by y^e Councill and the house in order to obtaine their Ma^{ties} leave for y^e L^t Governo^r to accept the Sum of 300^l Str as an expresse of their gratitude to him, & the same being read was approved of & ordered to be forthwith carried to the Councill for their approbation

A Message by M^r Edwards from the Liev^t Govern^r as followeth.

M^r Speaker

I have the Refolve of yo^r house desireing me to issue out new breifes in order to the receiveing of Contributions for erecting a Grammer Schoole & Colledge and a draught of one is herewith Sent you.

The Requests of y^e house of Burgeffes have beene very agreeable to mee, especially this, which I hope God almighty will see prosper, that the desired ends will be obtained.

Fr. Nicholson.

Vpon which the f^d Breife was read in the house & approved

The addresse to their Ma^{ties} for their Royall Leave to the Liev^t Governo^r to accept the gratification & acknowledgment of y^e Councill & Burgeffes returned from the Councill agreed to and Ordered to be fairly transcribed.

A letter of Instructions to the hon^{ble} Jeffry Jeoffries Esq^r concerning the Severall addresses & petitions sent him to present to their Ma^{ties} read & approved & Ordered to be Sent to the Councill for their approbation.

The house adjourned 'till halfe an hour after five a clocke tomorrow morning.

Fryday May y^e 22^d 1691.

THE house mett

And ordered the following addresse to be entred on the Journall.

To the King and Queens most excellent Ma^{ties}

May it please yo^r Ma^{ties}

The great worth conduct care and trouble of the R^t Hon^{ble} Fr: Nicholson Esq^r whome yo^r Ma^{ties} have beene pleased to Commiffionate Leiv^t Governo^r of this yo^r Ma^{ties} Dominion of Virg^a euer since his arrivall into this Government in visiting y^e frontier parts, Seeing y^e Militia well disciplined and trained, prudently preserving the Countrey in Quiet & Peace, & most honorably discharging all other things for yo^r Ma^{ties} service & the Interest & well fare of this Dominion being fully with great satisfaction made evident & Sencible to all yo^r Ma^{ties} Subjects of this Countrey, Wee yo^r Ma^{ties} Councill & y^e Burgeffes of this Generall Assembly as an expresse of o^r Gratitude, not as a reward Suitable to his meritt, most humbly beseech yo^r Ma^{ties} to permitt as [us] yo^r most dutyfull & loyall Subjects to present the f^d Fra: Nicholson Esq^r with the Sum of three hund^d pounds Sterl., now in yo^r Ma^{ties} Audit^{rs} hands which hath arisen by y^e imposition upon liquo^{rs}, and that the said Fra Nicholson Esq^r may be allowed by yo^r Ma^{ties} to receive the same.

And wee Shall ever pray &c

Resolved That it is not Safe for M^r James Blayre who is now by Gods leave bound for England in order to present the humble Supplication of the general assembly of Virg^a to their Ma^{ties} for their Royall grant & Charter to erect & endow a free Schoole & Colledge within this Dominion & hath instructions aboute the Same together with divers other matters of great Concerne to the Service & wellfare of the Countrey which

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he is intrusted with by y^e Gen^l Assembly to take his passage or goe with Cap^t *Jⁿ Jennings*, for that it hath plainly appeared to this gen^l Assembly how maliciously and disdainfully he hath contemned the Govern^{mt} & abused the inhabitants thereof.

A Message from the Councill by M^r *Edwards*, That the Councill doe desire an immediate conference wth Some of the members of this house ab^t the instructions to M^r *James Blayre* & the letter to the hon^{ble} *Jeffry Jeoffries Esq^r*

M^r *C^r Robinson*, Maj^r *Scarburgh* M^r *Cary* & Cap^t *Smith* M^r *Lewis* & Capt *Whitaker* were appoynted to goe and hold conference with the Councill accordingly.

A byll for Rayseing a Publique Levy read the 1st time.

M^r *Henry Hartwell* Reported from the Committee to whome the Same was referred that according to Order they had proportioned the Levy & the same being summed up amounted to the sum of Eighteen pounds & an halfe of Tobaccos & Pole which they had proportioned to the Sev^l Credit^{re} of the Country, & that they had proportioned y^e moneys raised by y^e 3^d & gall on Liquors in the hands of y^e present M^r Auditor *Byrd* & late M^r Auditor *Bacon* according to an acco^t thereof delivered in, and the same being read passed the house & were Ordered to be carryed to the Councill for their Concurrence.

A byll for raiseing a Publique levy read the 2^d time & ordered to be engrossed & have a third reading.

A byll for Raiseing a Publique Levy read the 3^d time & passed Ordered to be carryed to the Councill for their Concurrence.

Vpon report of the Conference with the Councill to y^t purpose Certain Instructions were agreed upon by y^e Councill & Burgeses to be given to the Reverend M^r *James Blayre* for his guidance & direction in soliciting the businesse of y^e Colledge & ordered to be fairly transcribed & alsoe a letter to *Jeffry Jeoffries Esq^r* requesting him to present sev^l addressees & petitions to their Ma^{ties}

A byll for Raiseing a Publique Levy return'd from the Councill agreed to.

Ordered, That *Joseph Copeland* doe take the Key of y^e Burgeses Chamber, looke after the Same & cleanse & air it when it Shall require the Same, and alsoe take into his care that the Severall vtensills thereto belonging be duely made cleane when need shall be.

Certain Instructions to be followed & performed by *Jeffry Jeoffries Esq^r* requested to represent & personate this Country in all Publicke Concernes relateing to the Same in *England* were read & approved & Ordered to be sent to the Councill for their approbation.

A message from the Councill brought in by M^r *Edwards* That the Councill had assented to the proportioning & ordering of y^e moneys in the hands of M^r Auditor *Bacon* & M^r Auditor *Byrd* from the Imposition upon Liquors as passed by the house.

The Instructions to be followed by *Jeffry Jeoffries Esq^r* returned from the Councill with the propofall of Several amendments in an answer thereto in writeing the same were read in the house & agreed to & ordered to be fairly transcribed accordingly.

A Letter from the Burgeses requesting the hon^{ble} *Jeffry Jeoffries Esq^r* to present a petition of theirs to their Ma^{ties} read in the house & approved of.

Instructions to be followed & performed by *Jeffry Jeoffries Esq^r* requested to represent and personate this Country, in all Publique Concerns relateing to the same in *Engl^d* by desire of the house of Burgeses read in y^e house and approved of.

The Assembly having intrusted & empowered y^e Reverend M^r *James Blayre* [to] p^rsent to their most Sacred Ma^{ties} their humble Supplication for the obtaineing their Roy^l grant to erect a free Schoole & Colledge in this Countrey & to Solicite the same according to divers Instructions given him to that purpose, towards the defraying the Charge & expence whereof they have already ordered the sum of 200^l £ *Sterl* to be paid him, but forasmuch as the certaine expence cann^t be computed, till the wholl businesse shall be accomplished.

It is therefore Resolved & Ordered that the s^d M^r *James Blayre* haue power to take up, upon Creditt in *England* Such Sum or Sums of money as he shall have occasion

to disburse towards the obtaining a gracious & favourable answer in the affaire to him committed, more then what he hath already received not exceeding the Sum of 200^l £ & that he desire y^e hon^{ble} *Jeffry Jeoffryes Esq^r* upon all Such his necessary occasions, to give Credit to this Countrey, for which he shall be reimburs^t & satisfied on giving notice thereof to the General Assembly out of the moneys that shall arise from the Duety & imposition upon liquo^{rs} by vertue of an act made this Assembly.

Ordered that this Resolve be carried to the Council for their concurrence.

Forasmuch as the hon^{ble} *Jeffry Jeoffries Esq^r* hath beene desired by this present Generall Assembly to accept the Trouble of Presenting Sev^{ll} addressees & petitions of the hon^{ble} Council and Burgeses of this Assembly to their Ma^{ties} & in their behalves to Solicite and obtaine a favourable answer thereto according to the Severall Instructions thereupon sent him, and forasmuch as towards his expence & charge the Sum of 200^l St hath beene yet only Ordered to be transmitted unto him, which perhaps may not be Sufficient to answer y^e necessary disbursement^s of y^e same.

It is therefore *Resolved* and *Ordered* That whatsoever Sum or Sums of money y^e s^d *Jeffry Jeoffryes Esq^r* shall finde necessary to disburse & shall be by him disbursed in or ab^t the Soliciting the said Severall addressees & obtaining their Ma^{ties} favourable answer thereto over & above the s^d Sum of 200^l St. he & shall & be duely Satisfied & paid & remitted unto the s^d *Jeffry Jeoffrys Esq^r* or his Ord^r upon his Signifieing the Same to the Gen^{ll} Assembly out of the first moneys which shall hereafter arise from an Imposition laid upon liquo^{rs} by Vertue of an act made this p^{re}sent Session of assembly.

Ordered that this Resolve be carried to the Council for their Concurrence.

The Resolve of the house for M^r *James Blayr* to have power to take up money in Engl^d on credit & not exceeding 200^l St: returned from the Council assented to.

The Resolve of the house for the reimbursing *Jeffry Jeoffryes Esq^r* such Sum or Sums of money as he shall disburse in or ab^t soliciting Severall addressees & petitions to their Ma^{ties} & out of y^e moneyes first arising from the imposition laid upon liquors this assembly, returned from the Council assented to.

Forasmuch as the hon^{ble} *Jeffry Jeoffries Esq^r* hath been desired by y^e house of Burgeses to accept the Trouble of presenting a Petition of theirs to their Ma^{ties} & in their behalves to Solicite & obtaine a favourable answer thereto according to Severall Instructions therewith sent him And *forasmuch* as the same cannot be done without expence & charge, It is therefore *Resolved* & *Ordered* by y^e house of Burgeses that whatsoever Sum or Sums of money y^e s^d *Jeffry Jeoffryes Esq^r* shall disburse & lay out in the management of y^e whole affaire committed to him by y^e house of Burgeses shall be reimburs^t, the same out of the money arising from the imposition layed upon Liquo^{rs} by an act of this assembly.

Resolved and *Ordered* That M^r *Speaker* be desired to take care to Sygne the Severall addressees & petitions this Assembly agreed Vpon to be presented to their Ma^{ties} and Duplicates thereof & particularly to sygne the petition of this House to their Ma^{ties} & transmitt the Same to the Hon^{ble} *Jeffry Jeoffryes Esq^r* together with the letter & instructions relating thereto, & alsoe duplicates of each with Copies of all Such other papers as shall be thought usefull & necessary to accompany the same.

M^r *Mason* M^r *Leigh*, M^r *Applewhite* and M^r *Awbry* were appointed to wait upon the R^t hon^{ble} the L^t Governour & to acquainte him the house are ready to attend his Hon^{rs} Commands.

A Message from the R^t Hon^{ble} the Liev^t Govern^r by M^r *Edwards* to command the house to attend him immediately in the Courte house, And accordingly the house went downe to the Courte house.

JOURNALL

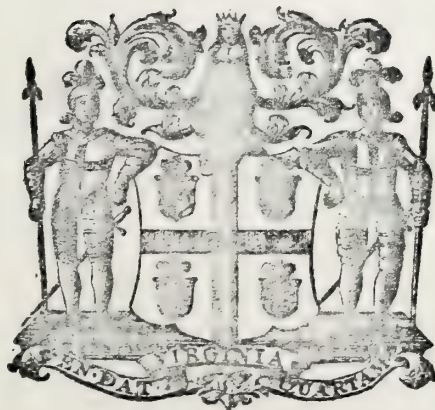
OF THE

HOUSE OF BURGESSES

AT A

GENERALL ASSEMBLY

Begun at *James City* the 16th day of *Aprill* 1691 in the third Yeare of the Reign of our Sovereigne Lord and Lady *William & Mary* by the Grace of God of *England, Scotland, France and Ireland* King & Queen. defenders of the Faith. And thence continued by Prorogation to the first Day of *Aprill* 1692 in the fourth Yeare of their Ma^{ts} Reigne.



RICHMOND, VIRGINIA.

MCMXIV.

JOURNALL

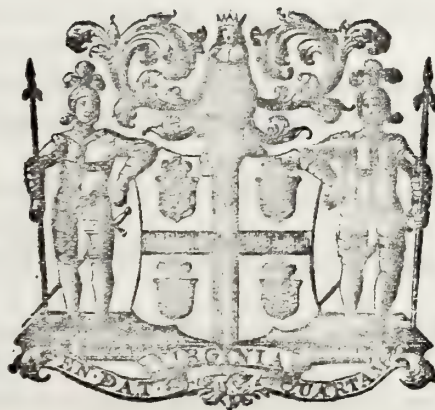
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RICHMOND, VIRGINIA.

MCMXIV.

JOURNALL

OF THE

HOUSE OF BURGESSES

Friday Aprill the 1st 1692.

MR *Speaker* & twenty four Burgeffes mett and the Liev^t Governours Writt for *Surry* County was Read, and then the house adjourned till ten a clock to morrow morning.

Saturday Aprill the 2^d 1692

THE house mett and the Orders of the house were Read Over.
A Comitte for Elections & Priveledges.

M^r Benjamin Harrifson Chairman.

M^r Henry Hartwell

M^r Francis Mafon

Cap^t Miles Cary

M^r Henry Awbry

Cap^t W^m Randolph

M^r W^m Leigh

Cap^t Francis Eps.

Coll^t Arthur Smyth

M^r Henry Randolph appointed Clerk to the Comitte

Ordered that the Severall Writts returned be delivered to the Chairman of y^e Comitte for Elections and Priveledges & that the said Comitte make Reporte of their Proceedings withall convenient expedition.

M^r Benjamin Harrifson from the Comitte for Elections and Priveledges presented a Reporte of y^e Proceedinge of the said Comitte which was Read at the Table and Thereupon *Resolved*.

That *Cap^t W^m Randolph* & *Cap^t Francis Eps* are duely Summoned and returned Burgeffes for *Henrico* County.

That *Cap^t Henry Batt* & *M^r Rob^t Boling* are duely Sum^moned & returned Burgeffes for *Charles City* County.

That *M^r Benjamin Harrifson* & *M^r Francis Mafon* are duely Summoned & returned Burgeffes for *Surry* County.

That *Cap^t Henry Duke* is duely elected & returned one of the Burgeffes for *James City* County.

That *M^r Henry Hartwell* is duely Summoned & returned Burgeffe for *James City*.

That *Coll^t Arthur Smith* is duely Summoned & returned one of the Burgeffes for *Ile of Wight* County & *M^r James Ben.* duely elected & returned y^e Other.

That *Cap^t Malachy Thruston* & *M^r John Richardson* are duely elected & returned Burgeffes for *Princes Anne* County.

That *Cap^t W^m Marshall* is duely elected & returned one of the Burgeffes for *Elizabeth City* County.

That *Cap^t Miles Cary* is duely Summoned & returned one of the Burgeffes for *Warwick* County, & that *M^r Rob^t Hubbard* is duely elected & returned y^e Other.

That

That Cap^t *Thomas Ballard* is duely Elected and returned one of the Burgeffes for *York County*.

That Cap^t *John Lyddall* & M^r *David Crawford* are duely elected & returned Burgeffes for *New Kent County*.

That Cap^t *W^m Leigh* & Cap^t *Joshua Storey* are duely elected & returned Burgeffes for *King & Queen County*.

That Cap^t *James Ranfon* is duely elected and returned one of the Burgeffes for *Gloster County*.

That M^r *Henry Awbry* is duely Summoned & returned one of the Burgeffes for *Rappahanock Countie*, & that M^r *W^m Coleston* is duely Elected and returned the Other, and Ordered

That the Remaining parts of y^e f^d Reporte Should stand referred for the consideration of the house at their meeting in the afternoone.

Ordered That M^r *Hartwell*, M^r *Harrisson* & M^r *Randolph* doe wait upon the Liev^t Govern^r and in the name of the House desire his Hon^r to asygne Some of the hon^{ble} Councill to administer the Oaths enjoyned by Act of Parliament instead of the Oaths of Allegiance & Supremacy and the Oath of a Burgefs unto the Severall new elected members duely returned to Serve as Burgeffes in this present Sesson of Affembly.

The house adjourned till three a Clock afternoone.

Post Meridiem

THE House mett.

W^m Byrd Esq^r & *Henry Whiteing Esq^r* two of their mā^{ts} Councill of State brought into the house a Cornission Sygn'd by y^e L^t Govern^r and under the Seal of the Colony, Ordering & appoynting them to administer the Oaths prescribed by Act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy & the Oath of a Burgefs to all the Members of this Affembly who haue not taken the Same, And accordingly the f^d Oaths were by them administred unto

Cap^t *Henry Duke*

M^r *Malachy Thruston*

M^r *James Ben.*

M^r *Jn^o Richinson*

M^r *Rob^t Hubbard*

Cap^t *Tho: Ballard*

Cap^t *W^m Marshall*

Cap^t *Jn^o Lyddall*

M^r *David Crawford*

Cap^t *W^m Leigh*

Cap^t *Joshua Storey*

Cap^t *James Ranfon*

M^r *W^m Coleston*

Who severally afterwards Subscribed The Teft.

Then the house tooke into consideration the Remaineing part of the Reportes of the Cornmittee for elections & Priveledges according to the Order of this morning, and after Some time Spent therein referred That part of y^e Reporte which Concernes M^r *W^m Lewes* Burgefs Summoned & Returned for *Jame City County*, and M^r *Willis Willson* Burgefs Elected & Returned for *Eliz^h City County*, unto the Consideration of the House on *Tuesday* next in the morning, and the rest aboute Severall Sheriffs makeing no Returnes they referred to be considered & debated on *Munday* morning next.

Whereas Cap^t *Thomas Barbar* Sherriff of *York County* and L^t Coll^l *Jn^o Smyth* Sherriff of *Gloster County* have failed to make returne of the Summoning & election of Burgeffes to Serve for the Said Counties in this present Sesson of Affembly according to Law and the directions of the L^t Govern^rs Writt to them directed, It is therefore Ordered That *W^m Drummond* the Messinger of the House be forthwith sent to each of the said Sheriffs & bring them before this house, to answer their Severall defaults on *Tuesday* next two a clock in the afternoone.

The house adjourned till ten a clock *Munday* morning.

Munday

Munday Aprill the 4th 1692.

THE house mett, and

The Writts for *Nantzimond, Northampton Stafford Accomack, Norffolk & Northumberland & Middlesex* Counties were committed to the consideration of the Committee for Elections & Priveledges

The Chairman of y^e Committee for Elections & Priveledges presented a Reporte from the said Committee which was read at the Table.

Ordered That the Sherriff or [of] *Norffolk* County having made an Imperfect returne of y^e Writt for election of Burgeffes in the said County do forthwith make his appearance before the house to amend the Same.

Resolved that L^t Coll^t *Tho^s Milner* and M^r *Jn^s Brasseur* are duely Summoned & returned Burgeffes for *Nantzimond* County.

Resolved That Maj^r *Jn^s Robins* and M^r *Tho^s Harmanfon* are duely Summoned and returned Burgeffes for *Northampton* Countie.

Resolved that Cap^t *Geo: Cooper* is duely elected & returned one of y^e Burgeffes for *Northumberland* Countie.

Ordered That the Sherriff of *Northumberland* County be forthwith sent for in Custody of y^e messinger of y^e House to answer his default of not making a due returne upon the Writt for Burgeffes.

Resolved That M^r *C^r Robinson* & M^r *W^m Church-hill* are duely Summoned & Returned Burgeffes for *Middlesex* County.

Resolved That maj^r *Charles Scarburgh* & M^r *W^m Anderson* are duely Summoned and Returned Burgeffes for *Accomack* County.

Resolved That Cap^t *Martin Scarlett* is duely Summoned and returned a Burgefs for *Stafford* County, & Cap^t *Jn^s Withers* duely elected and returned the Other.

Ordered That M^r *C^r Robinson* & M^r *Rob^t Carter* be added to the Committee for Elections & Priveledges.

Vpon Reading the Reporte of the Committee for elections & priveledges

Resolved nemine Contradicente that the house of Burgeffes are the Sole & only Judges of the Capacity or incapacity of their owne members, and that any Sherriff or other person whatsoever pretending to be a Judge of y^e capacity or incapacity of any member of the House of Burgeffes does thereby become guilty of a Breach of the Priveledges of the said House of Burgeffes.

The house adjourned till three a clock afternoone.

Post meridiem

THE house mett.

W^m Byrd Esq^r and *Henry Whiteing Esq^r* two of their Mā^{ty} Councill of State being empowered & appointed by a Comission Sygn'd by the L^t Govern^r, and under the Seal of the Colony administred the Oaths enjoyned by Act of Parliam^t instead of the Oathes of Allegiance and Supremacy and the Oath of a Burgefs unto Cap^t *Geo. Cooper* Burges for *Northumberland* County & M^r *Jn^s Wythers* Burges for *Stafford* County who severally afterwards Subscribed the Test.

Ordered That the Sherriff of *Lancaster* County be sent for in Custody of y^e messinger of the House to answer his default of not returning the Writt for Burgeffes for that Countie according to Law.

Ordered That the Sherriff of *Westmoreland* County be sent for in Custody of y^e messinger of the House to answer his default of not returning the Writt for Burgeffes for that Countie according to Law.

Forasmuch as Sherriffs doe usually make their Returnes of Writts for Election of Burgeffes in Sundry & different methods & words by meanes whereof Some are defective & most returned in an improper Stile, It is therefore *Ordered* That the Committee for Elections

Elections & Priveledges do take into their confideration and draw up a certaine Settled & Common forme for all Returns of writts to be made in for the future, And *Forasmuch also as* divers Sherriffs have taken upon them to judge of the capacity of Burgeffes elected or to be elected & have accordingly made their Returnes, It is further *Ordered* that the Said Comitteee confider by what waies & meanes the like infringements & breaches of the Rights & priveledges of the Houfe of Burgeffes to whome Such Judgem^{ts} do Solely belong May be prevented in time to come & it is also referred to the Said Comitteee to confider of Some way & meanes whereby the great mifchiefs & inconveniences of takeing of and difableing members of the houfe in the Intervalls of Seflions of Affembly from their Service to the Countrey in this houfe during the Continuance prorogation or adjournements of Affemblies may be hereafter prevented & avoided.

The houfe adjourned 'till ten a clock tomorrow morning.

Tuesday Aprill the 5th 1692.

THE houfe mett & according to the Order of *Saturday* laft tooke into confideration the Reporte of the Comitteee for Elections & priveledges touching the ability of M^r W^m Lewes who ferved as a Burgefs for *James City County* the laft Seflion to Continue & Serve in this prefent Affembly he having parted with and Sold his Freehold in that County during y^e Intervall betweene the laft & this prefent Seflion, after Some time Spent, in debate thereof the Queftion was put whether M^r W^m Lewes doth Remaine capable of continuieing a Burgefs of this Affembly for *James City County* & it was *Refolved* in the Affirmative

Then the houfe took into confideration the Report of y^e f^d Comitteee concerning the incapacity of M^r Willis Willfon to ferve as a Burgefs of this Affembly for *Elizabeth County* according to the Election and returne now made of him he being vnder the age of One & Twenty yeares after Sometime Spent therein the Queftion was put whether M^r Willis Wilfon who is Returned a Burgefs for the County of *Eliz^a City* & appearing to this houfe to be under the Age of one & Twenty yeares, be therefore incapable to Serve as a Member of this Affembly And it was *refolved* in the Affirmative.

Ordered That a meffage be forthwith fent to the Lievt^t Governour to acquainte him with the vote of the houfe, & to request his hon^r to iffue out a new Writt for the Election of another Burgefs for *Elizabeth City County* in the Roome & place of M^r Willis Willfon

Ordered That W^m Drummond the meffinger attending this houfe to the end he may be the nearer to receiue the Commands of the Houfe on all Occafions have power to fend imploy & Substitute another perfon or perfons as need may be to execute all Such remote & far diftant meffages as he himfelf cannot well be fpared from the Service of the houfe time enough to performe, Provided that he alwayes firft acquainte the Houfe with the name of Such Substitute for their approbation & leave.

The houfe adjourned to two a clock afternoone.

Post Meridiem

THE houfe mett.

Cap^t Thomas Barbar Sherriff of *York Countie* who was Sent for in Cuftody of the Meffinger of the Houfe attending according to the Order of *Saturday* laft to anfwer his default of makeing an Imperfect Returne was called into the houfe & heard & he having withdrawn awhile It was *Ordered*, That the f^d Cap^t Tho: Barbar be called againe into the houfe to amend his Returne & that he having fo done be difcharged out of Cuftody paying his fees and thereupon the faid Barbar came in & amended his Returne at the Table. L^t Coll^t Jⁿo Smyth Sherriff of *Glofter County* who was fent for in Cuftody of the meffinger of the Houfe, attending according to the Order of *Saturday* laft to anfwer his default of makeing an Imperfect Returne was called into

the

the House & heard & he having withdrawne awhile, It was ordered that the f^d L^t Coll^t *Jno. Smyth* be called into the House to answer his returne, and that he having so done be discharged out of Custody paying his Fees, & thereupon the f^d L^t Coll^t *Smyth* came into the house & amended his Returne at the Table.

Ordered that the Committee for Elections & Priveledges doe forthwith withdraw & sitt upon the consideration of y^e severall matters to them referred by y^e House yesterday.

The house adjourned 'till ten a clock tomorrow morning.

Wednesday Aprill the 6th 1692

THE house mett.

Cap^t *Lawrence Washington* a member of the House being ill had leave given to go out of Towne for recovery of his health.

M^r *Henry Hartwell* from the Committee of Elections & Priveledges Reported That they had taken into consideration the severall matters to them referred by the Order of the house on the 4th Instant, & had come to a Resolution which he had ready to read in the House & then he accordingly read the same & delivered it in at the Table.

Ordered That the f^d Reporte of the Committee for Elections & Priveledges be taken into consideration of the House on *Munday* next.

The house adjourned 'till two a Clock afternoone.

Post meridiem

THE house being informed by M^r *Mason* That M^r *Benjamin Harrisson* a member of the House being taken very ill had removed himself for his better accomodation in his Sicknes towards his recovery to his owne house in the Countrey and that he desired the Excuse of the house for his so doing and also prayed the leaue of the House to remaine at home 'till the recovery of his health the house gave leave unto & excused the f^d M^r *Benjamin Harrisson* accordingly. & then

The house adjourned 'till ten a clock to morrow morning.

Thursday Aprill the 7th 1692.

A MESSAGE from the L^t Govern^r by M^r *Edwards* to command the imediate Attendance of the house upon the Councill in the Courte house the L^t Govern^r present indisposition hindring his being there himself. The House went down into the Courte house accordingly to attend.

M^r *Speaker* and the House Returned, & M^r *Speaker* acquainted the house with what he Said, he remembred of that which M^r Secretary *Cole* had by y^e Command of y^e L^t Govern^r Spoke & delivered in the Courte house before y^e members of y^e House & leaft his memory should faile in a true & perfect acco^{te} thereof he also informed the House, that he had moved M^r Secretary *Cole* to pray the L^t Govern^r to favour the house with a Copy of the Same for the houses better affurance & information.

Resolved That what M^r Secretary *Cole* now delivered & Spoke in the Gen^{ll} Courte house by Order & Command of the L^t Govern^r before the members of this house be taken into consideration tomorrow morning.

The house adjourned 'till two a Clock afternoone.

Post

*Post Meridiem***A**

COMMITTEE for Examination of Propositions & Greivances.

M^r C^r *Robinson* Chairman.Coll^t *Arthur Smyth*M^r W^m *Leigh*Cap^t W^m *Robinson*Cap^t *Malachy Thruston*Cap^t *Miles Cary*M^r *Rob^t Carter.*

A Committee for publique Claimes

Coll^t *Lawrence Smyth*, ChairmanM^r *Henry Hartwell*M^r W^m *Anderson*Cap^t W^m *Hardidge*Cap^t W^m *Randolph*Cap^t *Lawrence Washington*M^r *Joseph Ring.*

The house adjourned 'till tomorrow morning eight a Clock.

*Friday Aprill the 8th 1692***A**MESSAGE from the L^t Govern^r by M^r *Edwards.*M^r *Speaker*

I am Ordered by y^e L^t Govern^r to deliver into this house a Copy of what was yesterday read by M^r Secretary *Cole* before the members of the house by Order & Command of the L^t Govern^r Their Ma^{ty} Letter to permitt the L^t Govern^r to receive the Sum of 300£ presented by the Assembly to him the last Session.

M^r *Jeffry Jeffryes* Letter concerning the Addressees sent to him to present to their ma^{ty} from the L^t Govern^r Councill & Burgeesses of the last Session of Assembly.

An Accounte of the Powder and Amunition imported in the *Barnadistance* W^m *Norrington* Commander & Cap^t *Norringtons* Letter to the L^t Govern^r aboute the Same. all which he delivered in at the Table & were received.

Then the Copy of what M^r Secretary *Cole* delivered yesterday for & by Order of the L^t Govern^r was read in these words.

Gentlemen.

God by his Divine providence having so many waies beene our mighty protectour, I think wee ought in duty to acknowledge it by a publique Thanksgiving.

The Act for the Better defence of y^e Countrey (which you so prudently & readily made) being nigh expired I recommend to you either the continuance of it, or Some other which you shall in your Wisdomes finde proper.

I thank God there hath been noe occasion to raise more men then the L^t & eleven Troopers & even those have not ranged all the yeare, that the Countrie might be putt to as little Charge as possible.

Last Summer I went to view the heads of the Rivers aboute the Inhabitants in Order to have had the way made as the Act directs & the Southerne Lines marked, but findeing no present necessity for the doing of them & that it would be for their Ma^{ty} Interest & the good of this Countrey to make Some alterations & the reasons for so doing Shall be Offered when you appointe a Committee to receive them.

Their most Sacred Ma^{ty} haveing been graciously pleased to send to this Countrey Stores for the platformes and 200 barrells of powder for the defence of this Colony, It is Judged for their ma^{ty} Service that the said Powder be secured in the Severall Counties of this Colony & it is therefore recommended to you for advice where will be the best places to Secure it & the Cheapest way of Conveyance.

It was hoped wee Should by this Fleete have received an accounte of the Laws sent for *England* but understanding they lay under consideration when the Fleete come away can Say nothing of them.

And then the Same was taken into consideration according to the Order of yesterday, and upon the first part relateing to a publique Thanksgiving.

Resolved

Resolved That it is the duty of this House by a publique Thanksgiving to returne their hearty & unfeigned thanks to Almighty God for the pretervation of their ma^{ty} most Sacred persons in all the Late imminent hazards and dangers thereof, & for the Successe of his Ma^{ty} Armies against the Enemies of our nation & Religion & also to make humble & Sencible acknowledgement of that Peace & Quietude this Countrey doth at present enjoy thorough the unspeakable goodnes & mercy of God towards us in particular.

Ordered That a message be forthwith sent to the Councill to desire their hon^{rs} concurrence withe the Resolve of this house aboute a day of publique Thanksgiving & to joyne with this house in an address to the L^d Govern^r to appointe a Day for the Same to be Solemnized in *James City* & another day thorough the whole Country & also to desire his hon^r to nominate a minister to preach before the Generall Asseembly on that day which shall be thought fit for the Solemnization at *James City*.

Resolved That the house Resolve itself into a Committee of the whole house tomorrow morning to take into consideration the other parts of what was delivered by M^r Secretary *Cole* yesterday & this day read in the House.

Ordered That M^r W^m *Coleston* be added to the Committee of propositions & Greivances.

Ordered That *Munday* next four a clock in the afternoone be the latest time for receiveing Propositions Greivances & publique Claimes for the consideration of this present Session of Asseembly.

A paper delivered into the house as the Greivances of *York County* was read but not being Sygnd as the Law for presentation and deliury of Greivances directs was therefore ejected.

A paper delivered into the House as the Greivances of *Northumberland County* was read but not being Sygnd as the Law for Presentation & delivery of Greivances directs was therefore ejected.

A message from the Councill by M^r *Edwards* Clerk of the Councill.

M^r *Speaker*

I am Ordered by their ma^{ty} Councill to deliver this paper & the said paper was received & read & being an answer from the Councill to acquainte this House that they had concurred wth the vote of this house aboute a Publique Thanksgiving and were ready to joyne with such Members as Should be appointed by the house to waite upon the L^d Governour aboute the same.

The house appointed Coll^l *Lawrence Smyth* Cap^t *Randolph* Cap^t *Leigh* M^r *Boling* M^r *Carter* and Cap^t *Ballard* to joyne with the Councill accordingly.

The Propositions & Greivances of *Northampton County* *James City County*. *New kent County* *Middlesex County* & *Elizabeth City County* were Severally Read & referred to the Consideration of the Committee for Propositions and Greivances.

And then the house adjourned 'till 3 a clocke afternoone.

Post Meridiem

COLL^l *Lawrence Smith* for the Severall persons appointed to waite upon the L^d Govern^r Reported that the Councill & they together had waited upon the Liev^t Govern^r & requested his hon^r to assygne two thanksgiving dayes, viz^t one for *James City* & one for the Country and that he had appointed *Tuesday* next for the first, & *Thursday* the 21st instant for the Latter, & that findeing the Govern^r unwilling to nominate a minister himself to preach before the Asseembly on that day, they had according to their directions from the House to that purpose proposed M^r *Stephen Fauce* the Govern^r Received the presentment with great Satisfaction.

Ordered That M^r *Speaker* doe desire M^r *Stephen Fauce* to preach a Sermon on *Tuesday* next the day appointed for a publique Thanksgiving day at *James City*

Vpon a Motion made by Severall members of the house that a Byll may be prepared enjoyneing Clerks of County Courtes to keep their Offices at the County Courte house.

Leave

Leave was given to Cap^t *Martin Scarlett*, M^r *David Crawford* & M^r *Jn^o Lyddall* to draw up & bring in a Byll accordingly.

The Propositions & Greivances of *Stafford County Gloster County Princess Ann County New kent County. Henrico County* & the Inhabitants on the South side of *Rappahanock County* were Severally read & being referred from the L^t Govern^r and Councill for the confideration of the Houfe, were committed to the Comitte of Greivances & Propositions to reporte their Opinions therein.

The houle adjourned 'till eight a clock to morrow morning.

Saturday Aprill the 9th 1692

SEVERALL propositions & Greivances fign'd by Severall Inhabitants of *King & Queen County* referred by the L^t Governour to the confideration of this Houfe were read & referred to the comitte of Greivances & Propositions.

The Greivance propofed by Severall Inhabitants of *King & Queene County* & praying for permiffion to take up Lands in *Pamunky neck* & for Confirmation of divers Conveyances & Sales made by the Indians there, being referred by y^e L^t Governour & Councill to the houle were read but wanting Such attestation as the Law about Prefentation of Greivances directs were rejected.

The propofition of the Inhabitants of *King & Queene County* for Indians to be enjoyned to pay for Liberty to hunte in Woles [Wolves] heads being referred by y^e L^t Govern^r & Councill to the houle were read and ejected.

The petition of Severall Freeholders of *King & Queene County* complaining that the Proceedings required by y^e Law for Ports made the Laft Seffion haue obftructed in that Countie through the meanes of fome evill minded perfons being referred from the L^t Govern^r & Councill to the houle was read & referred to the Serious Confiderations of the Comitte of Propositions & greivances and they are to examine inquire into and Confider the contents of the faid Petition & the evill confequence that attend the Same, if true and to Reporte their Opinions therein to the houle, And the faid Comitte have power to fend for perfons Records & Papers for their better Stateing of the whole matter.

Then the houle according to the Order of yefterday Refolved into a Comitte of the whole houle to take in confideration certaine parts of what was delivered by M^r Secretary *Cole* by Order of the L^t Governour & M^r *C^r Robinson* tooke the Chair and after Sometime Spent therein M^r *Speaker* refumed the Chair & M^r *Robinson* Reported that the Severall matters to them committed they had maturely confidered & were come to a Refolution which they directed him to deliver to the Houfe, and the Same was received and read at the Table & agreed to by the Houfe.

And it was thereupon *Refolved & Ordered* as followeth.

Refolved that a Byll be prepared for the continuance of the Liev^t & eleven Soldiers at the heads of each of the great Rivers one yeare longer then the A^{ct} made the laft Seffion for the better defence of the Countrey directs.

Ordered that Some of the members of this houle be appointed to waite upon the L^t Govern^r to receive what alterations his honour hath to propofe in the boundary Lines mentioned & directed to be made by y^e f^d A^{ct}, & that they make reporte thereof unto the Houfe as alfo of y^e reafons his hon^r hath promifed to give for the Same.

Refolved that an humble Addrefs be prepared to be Sent to their M^{a^s} Thankfully acknowledging the great care their M^{a^s} have taken of this Dominion is [in] fending a Store of powder & amunition for the defence & Security thereof, and that a Meffage be sent to Defire the Councill to joyne with this houle in the faid Addrefse & the drawing of it up.

Ordered that a Conference be defired betweene Some of the hon^{bl^e} Councill & Some of the Members of this houle as ihall be appointed to confider of the beft waies & meanes of Secureing & Conveying the 200 barrells of Powder & Platforme Stores which their Ma^s have been gratioufly pleased to fend into this Countrey.

A Message from the L^t Governour by M^r Edwards.

M^r Speaker.

I am Ordered by the L^t Govern^r to acquainte this house that the Comadore by his Instructions is to Stay but 60ty dayes and that his hon^r gives this notice to the end the members of this house may be thereby advifed to prepare both the publique & their private affaires for *Engl^a* accordingly.

Ordered That the Committee of Greivances & Propositions doe waite upon the Lieu^t Govern^r to receive what alterations his hon^r hath to propofe in the boundary Lines mentioned & directed in a Law made the laft Seflion for the better defence of the Countrey, and the reasons he fhall Offer for doing the Same & to Report them to this Houfe in Order to the preparing of a Byll for the Longer continuance of the faid Act.

The house being informed that the Sherriff of *Norfolk* County attended to amend his returne according to the Order of *Munday* Laft, the faid Sherriff was called into the Houfe and heard & he being withdrawne, It was

Ordered That the Sherriff of *Norfolk* County doe forthwith come againe into the Houfe and amend his Returne & that having So done he be difcharged out of Custody paying his Fees.

And accordingly the faid Sherriff came into the Houfe & amended his Returne & then it was

Resolved That Major *Francis Sawyer* & Cap^t *W^m Robinson* are duely elected & returned Burgeffes for *Norfolk* Countie.

The house adjourned 'till 3 a clock afternoone

Post Meridiem

WM BYRD Esq^r & *Henry Whiteing* Esq^r two of their ma^{ty} Councill of State being empowered & authorifed by vertue of a Comiffion under the Seal of the Colony & fygnd by the L^t Govern^r Adminiftrd the Oathes enjoyned by Act of Parliament inftead of the Oaths of Allegiance & Supremacy & the Oath of a Burgefs unto Maj^r *Francis Sawyer* & Cap^t *W^m Robinson*, who Severally afterwards Subfcribed the Teft at the Table.

Then the house tooke into confideration the L^t Govern^{rs} message of this morning aboute the time limited for the Fleete to Sayle with the Convoyes, And being of Opinion that the Same was too Short for fo great a Fleete to get ready & that great inconveniencies would accrue if they fhould be compelled to Saile precifely at that time, they agreed that an addrefs Should be forthwith prepared to the L^t Govern^r that if poffible a longer time may be appointed for the Stay of the f^d Fleete & accordingly

Ordered M^r *C^r Robinson* M^r *W^m Leigh* M^r *Rob^t Carter* M^r *William Church-hill* & Cap^t *Thomas Ballard* to withdraw & take the Clerk to attend them for the drawing up of an addrefs for that purpofe and occafion, & to reporte the Same, M^r *C^r Robinson* returned & Reported from the Committee that they had confidered of & drawne up an Addrefs according to the Order of the Houfe which he read in his place & was approved of being in thefe words.

To the R^t hon^{ble} *Francis Nicholfon Esq^r* their Mā^{ty} L^t Govern^r of Virginia.

May it please yo^r Honour,

Wee being acquainted by a message received this day from yo^r hon^r that their Sacred Mā^{ty} have beene graciously pleafed out of their Royall Care of this Countrey to fend two of their Shippes of Warr to Convoy the ffeete of Merchant Ships hither & to continue in the Country fixty dayes only, and that then all the f^d Fleete of Ships muft be ready to Sayle for *England* againe under the Same Convoy wee beg leave in all duty & thankfullnefs to acknowledge their Ma^{ty} Royall Goodneffe & favour towards us therein & Shall continue o^r earnest & dayly prayers for their long & happy reigne over us & think o^rselves obliged to exprefs our true fence of yo^r Hon^{ty} conftant great care of this

this Government & great Vigilance & Perfonall paines in provideing for the Peace & Welfare thereof, & in particular to returne o^r hearty thanks for the acco^{ts} your hon^r hath beene pleased to give us of y^e time Limited for the Stay of the Fleete here, which being foe very Shorte a time for the Loading & dispatch of such a Fleete, considering how remote & Stragglng Tobaccos lye that is to load them, & that many considerable Merchants & dealers as well as Planters who are much Concerned in the Same are Obliged to Attendance at this Generall Affembly, wee therefore are humble Suitors to yo^r hon^r that if possible a longer time may be appoynted for the Stay of y^e f^d Fleete in this Countrey, there being Severall of the Shippes belonging to the Same not yet arrived, & wee preSum^e it would be most for their Mā^{ts} Service that they all Returne for *England* under the same Convoy.

Ordered That the Comitte^e who were appointed and did draw up the foregoeing Addres forthwith repair to the hon^{ble} Councill and desire them to joyne with the House in presenting the Same to the L^t Govern^r

The house adjourned 'till ten a clock on *Munday* morning.

Munday Aprill the 11th 1692

THE Kings Letter to permitt the L^t Govern^r to accept of 300£: presented him the last Affembly & received into the House on *Friday* last was read as followeth.

William R:

Trusty & well beloved wee greet you well, whereas wee have thought fitt to direct that noe money or value of money whatsoever be given or granted by any Act or Order of Assembly to any Governour or Comander in Chiefe which Shall not be mentioned to be given or granted unto us with the humble desire of Such Assembly that the same may be applyed to the use & behoofe of Such Govern^r & Commander in Cheife if wee shall so think fitt: And whereas by an Act of Assembly lately past in that our Colony of *Virginia* the Sum of 300 £ is set apart as a present to you: And whereas you have humbly prayed us to give you leave to accept of y^e Same, wee being well Satisfied with yo^r Services in the discharge of your Trust have thought fitt in consideration thereof & of yo^r expences in y^e Transporting yo^r Self to that Government to condescend thereunto, and wee do accordingly hereby authorise & permitt you to receive the said Sum of 300 £ & retaine the Same to yo^r Owne use, And So wee bid you farewell.

Given at o^r Courte of *White Hall* the xxiii^d day of *October* 1691 in third yeare of our Reigne

By his Ma^{ties} Command

Nottingham.

*To our Trusty & well beloved
Francis Nicholson Esq^r o^r L^t
Governour & Commander in
Cheife of o^r Colony & Dominion
of Virgi^a in America.*

And M^r C^r *Robinson* is desired to returne the Same to the Liev^t Govrn^r

Then the House was called over and *Ordered* That the Defaulters be called over againe in the afternoone & their Severall defaults taken into consideration.

The house according to the Order of *Wednesday* last takeing into Consideration the Reporte of the Comitte^e for Elections & Priveledges agreed to the first part thereof, and

Resolved that the Common forme for all returnes upon Writts for Elections of Burgeffes be made in these words.

By vertue of this Writt I have caused to be Summoned the Freeholders of my County to meet this day being the _____ day of _____ An^o: _____ at the Courte house of y^e said Countie being the usuall place for Election of Burgeffes and
given

given them in charge to make Election of two of the most able & discreet Persons of the said County who accordingly have elected A B & C D who have full power and authority for the County aforesaid to act & consent to such things which shall be Ordered & appointed by y^e Govern^r Councill & Burgeffes at the next meeting and Session of Assembly.

And considering which way the mischeifs & Inconveniences of disabling members of this House either during the Sitting or intervall between the Session of Assembly as also all Such breaches of priveledges as frequently happen by Sherriffs takeing upon them to judge of y^e Capacity or incapacity of members, might be remedied, they were of Opinion the same Principally proceeded from a Clause in the Writt, & therefore *Resolved* that a conference be desired with the hon^{ble} Councill aboute the Same, and that their hon^{rs} be Requested to joyne with the house of Burgeffes in representing the matter to the L^t Governour untill which conference be held the house adjourned the further consideration of the said Reporte.

upon the Petition of Cap^t *Malachy Thruston* in behalfe of the Courte of *Princes Anne* County that the day appointed by the Act for holding Courts might be altered to the first *Wednesday* of every moneth.

Leave was given to the Said *Malachy Thruston* to being in a Byll accordingly.

Severall Propositions of Coll^l *Thomas Milner* was read & referred to the Committee of Greivances & Propositions.

Then M^r *C^r Robinson* from the Committee of Greivances & Propositions Reported, That the f^d Committee had proceeded in the consideration of divers matters to them referred & had directed him to Reporte the Same to the house and he read the said Reportes in his place & then delivered them in at the Table.

Ordered That the Reporte of the Committee of Greivances & Propositions be taken into consideration in the afternoone.

The house adjourned 'till 3 a clock afternoone.

Post Meridiem

THE defaulters for non appearance at the calling over the House in the morning, according to Order were now againe called & the defaults of such as appeared, excused and *Ordered* that such of them as are now absent & faile to attend tomorrow morning be sent for in Custody of the messenger of the house.

A written Message from the Councill by M^r *Edwards* was brought into the house in which Severall Reasons being proposed to be added to the Address for the longer Stay of y^e Fleete in this Countrey in which their Hon^r were desired to joyne with the house on *Saturday* last, and the same being read considered the house were of Opinion, that most of y^e said Reasons offered by y^e Councill to be added were already comprehended in the Sense of the f^d address: And That Forasmuch as makeing an alteration or addition in the Same, would create a great Inconvenience It being already entered on the journall of the House It is therefore *Ordered* That the persons appointed to carry the f^d Address to the Councill before, doe now againe waite upon their hon^{rs} to acquainte them with the reasons why this house cannot admitt of alteration or addition in their address and desire them to joyne with this house in presenting the Same as it is already drawne & stands upon the journall of this house.

Vpon Reading the Petition of Cap^t *Miles Cary* for leave to bring in a Byll for Burgeffes Charges at General Assemblies to be paid by y^e publique.

A debate did thereupon arise & after Some time spent therein the Question was put whether Leave shall be given to Cap^t *Miles Carey* to bring in a Byll for the payment of Burgeffes charges by y^e Publique and it was *Resolved*, in the affirmative & thereupon leave given accordingly.

The consideration of y^e Reporte of y^e committee of Greivances & Propositions according to the Order of this morning, is put of 'till tomorrow morning.

The

The Burgeffes of *Norfolk* County having presented to the house a claime heretofore allowed by that County Courte for reimbursments

It was *resolved* y^t the Same claime by ejected.

The house having had an inspection of a paper transmitted by Command of the L^t Govern^r into the Secretaries Office as a Copy of *Norfolk* County Levy and Observing therein Severall greivous and unlawfull Articles of charge allowed in the Same and levied upon the people of that County y^e last yeare. It was thought fitt & accordingly *Ordered* That the R^t Hon^{ble} the L^t Govern^r be acquainted therewith and desired to take the Same into his Speciall consideration.

The house adjourned 'till 8 a clock tomorrow morning.

Tuesday April the 12th 1692

MR C^r *Robinson* from the conference appointed to desire their Hon^{rs} to agree to present the address to the L^t Govern^r for the longer Stay of the Fleete in this Countrey as it was first drawne, and without the addition of y^e Reafons propofed by their Hon^{rs} having Reported & acquainted the house with the

Severall Reafons their hon^{rs} had to insist upon their first proposition and also with their hon^{rs} propositions that those reafons might be added as a Supplement to the said Address. It was upon consideration thereof *Resolved*, That the f^d address be transcribed anew from the Journall of this house & the said Severall Reafons propofed by y^e Councill *viz*

1. That the Fleete hath been 3 weeks comeing in & are not gott to the places they are to Load at.

2. That there is a great want of Sloopes, the great ones having been fited and sent for *England* with Tobaccos and those that belong to the Ships which were here 2 yeares ago are almost Spoiled so that it will be a considerable time before they can be made Serviceable.

3. The Ships Rideing in Severall Rivers at great distance from one another, It is oftentimes a fortnight or Longer before they can gett to the place of makeing up the Fleete to Sayle, for that Severall winds are required to carry them thither.

4 It is presumed in *Maryland* the like inconveniences are if not worse.

Be Subjoynd and annexed as a Supplement to the said Address & then carried to the hon^{ble} Councill for their concurrence & joyneing with this House in presenting the Same to the L^t Govern^r by the persons first appoynted to manage the Conference.

The Petition of M^r *James Williams* & *Charles Morland* referred by the L^t Govern^r & Councill praying a consideration for drawing 404 military Comissions was read and the consideration thereof referred to the Committee for Publique Claimes who are to make enquiry what hath beene allowed formerly for the like Services & by what wayes & meanes the Same use to be paid & to make reporte thereof to the House.

The Greivances & Propositions of *Surry* County *Norfolk* County & certaine propositions Subscribed by *Henry Randolph* were Severally read & referred to the Consideration of the Committee for Greivances & Propositions.

Two papers being presented as the Greivances & Propositions of the upper parish & lower parish of *Isle of Wight* County were read but not being Sygn'd as the Law aboute presentation & deliury of Greivances directs the same were ejected.

Then the house according to the Order of yesterday entred into consideration of the Reports of the Committee of Greivances & propositions & upon Reading the Reporte of y^e said Committee for a Byll to be prepared directing methods for the prosecution of Slaves & restraining the Liberties & permission given by Severall masters to their Slaves to keep horses Cattle & hoggs the Same was agreed to by the house and

Resolved That a Byll be prepared accordingly by y^e said Committee & Reported to the house

Upon Reading the Reporte of the f^d Committee upon the Greivances of *Stafford* County relateing to the *Maryland* Indians frequently comeing over into this Countrey.

Resolved

Resolved That the R^t hon^{ble} the L^t Govern^r be desired to write to the Govern^r of *Maryland* that he would enjoyne those Indians for the future, before their coming into this Countrey to send over some of their great men to informe the nearest magistrate with the place where they defygne to land with their intentions of coming Over, their number, & the place they propose to Reside at & also the time of their continuance and Stay or if that method Shall seem unfuitable unto his hon^r that then he will be pleased to take Such other course in that affair as Shall in his Owne prudence be found more convenient for the Security of y^e Peace of this Countrey.

Ordered That the Burgeesses of *Stafford* County doe waite upon the L^t Governour & acquainte him with this Resolve of the house and desire his hon^r accordingly.

Vpon the Reporte of M^r *C^r Robinson* from the conference about the best wayes of Secureing & Conveying the amⁿition sent into this Countrey.

Ordered That M^r *Benjamin Harrisson*, Cap^t *Washington* Cap^t *Ballard* Cap^t *Ball*, Cap^t *Story* Cap^t *Cooper* M^r *Brassieur* Major *Robins* & M^r *Anderson* doe waite upon the hon^{ble} Councill at Such time as they shall appointe to Confer with their Hon^{rs} aboute the distribution & proportion of the f^d Powder & amⁿition the convenientest places for lodgeing the Same & the best & Cheapest ways of conveying it to each part of y^e Countrey to w^{ch} it shal be affygnd and proportioned.

Vpon the Reporte of M^r *C^r Robinson* from the conference that they had according to the Order of y^e House desired the hon^{ble} Councill to hold a conference with Some of the members of this house aboute a claufe in the Writt for Burgeesses *viz (and in case of death absence or other incapacity)* And that the Councill had appointed to meete such members as this house should nominate for the management of the Same, this evening in the Councill Chamber.

Ordered That the Severall persons appoynted to desire the f^d Conference doe meet their hon^r in the Evening to manage same hold the Conference accordingly.

Then the house adjourned 'till 3 a clock afternoone.

Post Meridiem.

M^R *Benjamin Harrisson* informing the House that the Councill had appoynted to hold the Conference tomorrow morning.

After prayers concerning y^e Proportioning of y^e Amⁿition.

Ordered That the Severall members appointed in the morning to confer aboute the Same do accordingly give their attendance.

The house being informed by a member of the house that copies of Severall Antient & usefull Records was by Cap^t *Francis Page* the last Assembly Collected out of severall loose Bookes & Papers & by him presented to this house entred in a fair book together. And moving that Forasmuch as the said Copies entred in the said Booke were not attested to be true Copies nor soe much as examined according to the Order of the last Session Some care might be taken for perfecting & makeing the f^d Collections authentiq.

It was thereupon *Ordered*, That *Peter Beverley* the Clerk of the House doe with his first conveniency take due care to have the said Collections thoroughly examined & Compared with the Originall Writeings & Papers from which they were extracted to correct and amend such Errors as he Shall finde therein, & then to attest them as true copies of y^e Originall Records

The house adjourned 'till ten a Clock tomorrow morning.

Wednesday the 13th Aprill 1692

M^{AJ}OR *Charles Scarburgh* a member of the house who had failed to give his attendance to the Service of the House ever Since the begining of this Session did this day appeare & informinge the house with the Reasons of his so long Stay from personally attending the Service of this house, the same were received & allowed accordingly for his excuse.

M^r *Benjamin Harrifson* from the Conference with the Councill aboute y^e distribution & Conveyance of y^e Powder lately arrived in this Countrey, Reported that according to the Order of Yesterday they had attended the Councill to confer aboute the Same, and that at the f^d Conference they had received a Letter from the Govern^r of *Maryland* to the L^t Govern^r which the Councill desired might be Communicated to this house for their resolution therein, before any further proceedings were made in the said Conference.

Then the f^d Letter was received & being read in these words

S^r I thank you for the Hon^r of yo^r vissitt to me at Collⁱ *Jennings* & I shal be uneasy untill I have an Opportunity of returning it perfonally, S^r I finde this Countrey naked & defenceless which constraines me to desire the favour of you to lend me fifty barrells of yo^r Powder which I shal take care to repay you as soon as my Family comes to *new Yorke*. the disappointment I mett with by reason of the Sudden Saileing Orders for the flecte ha' postponed the comeing of my Store & Stock, this will be a very seasonable kindnesse, and an Addition of your former favour of which my friend M^r *Harphan* the bearer will tell you how Sencible I am since I came here I mett with nothing worth acquainting you only wee are now in a little hurry, Setleing the heats and disorders amongst us: when any thing of publiq worth communicateing comes to you, I desire to heare from you, & I shal take care to doe the like to you & no person shal be more desirous of keeping a fair correspondence with you then.

L. Copely

At S^t *Maries* the 8th Aprill 1692.

For the hon^{ble} Collⁱ *Nicholson*
their Ma^{ty} L^t Govern^r of *Virg^a*

The House tooke the same into consideration and after sometime spent therein directed the managers of the said Conference to acquainte the Councill with their willingness to Spare 25 barrells of powder for the present defence & security of their Ma^{ty} Governm^t of *Maryland* if the L^t Govern^r & their hon^{rs} should judge the same convenient upon such good caution and security as may be thought expedient by their hon^{rs} to secure the redelivery of the Same in such time & at such certaine places within this Governm^t as shal be required.

The managers of y^e Conference appoynted with the Councill to procure their hon^r to joyne with the house in representing to the L^t Govern^r the various mischeifs & Inconveniences that proceeds from a clause in the Writt for convening of Burgeffes upon prorogued or adjourned Assemblies & also a common Forme, to be practised for the future in all Elections being Returned.

M^r *C^r Robinson* reported that according to the Order & directions of the house they had managed the f^d Conference & after the Severall arguments on both sides had received from the Councill an answer to this effect.

That they were ready to joyne with the house in any thing for the Gen^l good of the Countrey & were willing to agree to the forme for returnes upon Writts as the house had drawne it, that they had reason to beleive that leaveing the clause [*in case of death absence or other incapacity*] out of the Writt or wholly laying such Writts aside & so having none to issue upon a Session continued by Prorogation or adjournement would be very prejudiciall & Chargeable to the Countrey in Occasionning great delays after a meeting before there would be a full house.

That they found it had been a long & constant practice by Such Writts to Summons Standing Burgeffes & to direct new Burgeffes to be chosen in the Roome of such as were disabled by death absence or other incapacity Since the prorogation or adjournement of the first Session to save time & Charge.

That it would intrench upon the Prorogative if the King might not appoint Sherreffes if he pleased.

And that although they seemed to grant the practise so to be in *England* yet they could not consent or agree to joyne with the house in representing the Same to the L^t Govern^r as a matter inconvenient or mischeivous here or as a thing prejudiciall to the priveledges of y^e House of Burgeffes.

A written message from the L^t Govern^r & Council was brought into the house by M^r Edwards and the Same being read at the Table & containyng a Proposition that it will conduce to the Security of this Countrey to have a fitting messinger to reside at *New York* or *new England* who might on all Occasions giue such intelligence from thence as might be a guide for this Countrey to act by the Said Message was taken into immediate consideration, & after Some time Spent therein the house agreed upon an answer to the Same & Ordered the Clerk of the House against tomorrow morning to draw up an answer to the said written Message of the L^t Govern^r & Council agreeable to the Resolution of the House & to Reporte the Same accordingly.

Then a Written Message from the L^t Govern^r brought into the house at the same time by M^r Edwards containing divers Reasons why his hon^r had not caused the Line to be run on the South Side of *James River*, & from *James River* to *Rappahanock River* as by an Act of the Last Generall Assembly was appoynted &c. was also read & the same having contained in it matters of Severall natures Some parts thereof were Committed to the Consideration of the Committee of Greivances & Propositions & other parts thereof to the Committee of publique Claimes & each of the said Committees were Ordered to Consider of Such parts of the said message only as comes nearest in nature to the usuall business of each Committee.

Then the house adjourned 'till 7 a clock tomorrow morning.

Thursday Aprill the 14th 1692

THE Clerk of the House according to the Order of yesterday presenting an answer to the Message of the Liev^t Governour & Council about the employing of a Messinger at the Table ready formed & drawne the said answer was read and approved.

*To the R^t Hon^{ble} Francis Nicholson Esq^r
their M^{as} Liev^t Govern^r of Virginia, & to
the hon^{ble} Council of State.*

May it please your hon^r

This house having received a written message, wherein yo^r Hon^r are pleased to propose, that it will be a meanes of advantage to the better Securing the Peace & Safety of this Countrey to imploy Some fitting person as a messinger for this ensueing Summer to reside at *new York* or *new England* that from thence a True acco^t of the Condition of those places, and other our neighbouring plantations may be transmitted, and thereby this Governm^t guided how to act On all Occasions do returne yo^r Hon^{rs} their most hearty thanks for your continuall care to preserve this Countrey in Peace & Quiet but being of Opinion that keeping of Such a Messinger will create a great charge, & well hoping the present necessities doe not absolutely require it they begg leave for the greater ease of this Countrey to recommend to your Hon^{rs} care the Employing of a messinger at such times & on such Occasions only as in yo^r Wisedomes you shall judge absolutely necessary for the imediate Service & Security of this Dominion, & rest assured yo^r Hon^{rs} will act & doe therein with such cautious regard to the Circumstances of the Countrey both as to the Charge & benefitt of a messinger as will best answer their M^{as} & the Countries Service. and the ease and advantage of the Inhabitants.

Ordered That the Clerk of the house fairly Transcribe the s^d answer and deliver it to Cap^t Eps, Cap^t Duke, M^r Lewes & Cap^t Ballard to carry y^e L^t Govern^r & Council tomorrow morning.

The house being informed that the Sherriff of *Lancaster* County who was sent for in Custody to answer his default of not returning the Writt for Election in that County according to Law attended at the Door.

Ordered the said Sherriff to be called into the house who being heard aboute the Same with drew for a while & then it was *Ordered* That the Sherriff of *Lancaster* do forth-
with

with come into the house & upon the Writt directed to him for Burgeffes make returne of the Burgeffes for the County duely Summoned by him.

Whereupon the f^d Sherriff being called into the House made Returne that M^r Rob^t Carter & Cap^t W^m Ball were duely Summoned as Burgeffes for *Lancaster* County to give their Attendance at this Aff^{bly}

Ordered That the Sherriff of *Lancaster* County be discharged out of Custody paying his fees.

M^r Benjamin Harrisson from the conference aboute the distribution of y^e Powder &c. having reported that the Councill & they had agreed upon 25 barrells of Powder to be lent to the Govern^r of *Maryland* & the rest to be proportioned & distributed according to an acco^{te} thereof which he had delivered in & that the care of Convoing the f^e Powder to the Severall places according to the proportion thereof, & procureing conveniences for the Same the Councill had wholly left to the members of y^e House.

And Thereupon the House tooke care accordingly in appointeing the said managers to provide for the Same.

And then adjourned till ten a clock to morrow morning.

Fryday the 15th of Aprill 1692

A WRITTEN Message from the L^t Governour & Councill brought into the house by M^r Edwards was read & the Same being to acquainte the house that permission was given to five Shippes to Sayle for *England* by y^e 10th of *May* next to the end all persons haveing notice thereof might know how to Act in their Affaires.

Ordered That M^r W^m Lewes doe returne the thanks of this House to the L^t Governour & Councill for the favour of their Message, now sent to informe the house with the permission given five Ships to Sayle for *England* and that he doe it at the Rifeing of the house at noone.

The Propositions & Grievances of *Accomack* Countie read & referred to the Consideration of the Committee of Propositions. &c.

The Sherriff of *Westmorland* Countie who was sent for in Custody for his default of not returning the Writt for Burgeffes in that Countie according to Law, being called into the House & having informed the house that he had delivered the said Writt to a person aboute three weeks ago whose promise he had to bring the f^d Writt to the Secretaries Office in due time, & that the said person had not yet been in Towne but was expected this night, and then he should be able to make Returne of the Writt.

Thereupon it was Ordered that the Sherriff of *Westmorland* Countie doe remaine in Custody of the messinger of the house untill the said Writt be produced or further Orders be given therein.

The Sherriff of *Northumberland* Countie who was sent for in Custody to answer his Default of makeing an imperfect Returne being called into the house & heard aboute the Same was Ordered to withdraw and then the house takeing the matter of his excuse into consideration Ordered

That the Sherriff of *Northumberland* Countie doe forthwith come into the House to amend his Returne & having so done be discharged out of Custody paying his fees.

The L^t Governours Writt for election of another Burgefs for *Elizth* City County in the Roome of M^r Willis Willson disallowed by the house, being returned into the house, The Returne thereupon was read, & the same being a Speciall Returne of two persons & Submitted to the house for decision after both the said persons had been heard aboute the Same & were withdrawne the house tooke the Same into present Consideration & debate & after Some time spent therein

Resolved That M^r W^m Armistead is duely elected Burgeffe for *Elizth* City County.

Resolved

Resolved That noe person have a Vote in the Election of Burgeses for his Countie unless he personally appeare to give his vote at the time and place appointed for Election & that noe note or other message sent to the Sherriff as the Vote of any person whatsoever not personally present ought to be received or allowed for a Vote in the Election of Burgeses.

The house adjourned till 3 a Clock afternoone.

Post Meridiem

MR W^m Armistead Burges elected and Returned for *Elizabeth City County* in the Roome of M^r Willis Willson disallowed for being under age tooke the Oaths enjoyned by Act of Parliament instead of the Oaths of Allegiance & Supremacy and also the Oath of a Burges which were administred to him by y^e Hon^{ble} W^m Byrd Esq^r & y^e Hon^{ble} Henry Whiteing Esq^r two of their Ma^{ties} Councill of State and then Subscribed the Test.

A Message from the R^t Hon^{ble} the L^t Govern^r & Councill brought into the House by M^r Edwards was read

By y^e R^t Hon^{ble} y^e L^t Gouvern^r & Councill.

M^r Speaker.

Having received an answer to the propofall sent to the R^t Worshipfull the House of Burgeses aboute *John Perry* being agreed with to Come from *new York* or *new England* if Occasion for their Ma^{ties} Service Should require it, finde, you have fully answered what was defygnd except nominateing persons to agree with him, it being only intended he should be paid if he came againe & Since you leave it in Gererall termes to us, doe assure you as wee have not, so shall not employ any person to put the Countrey to Charge but when their Mā^{ties} & the Countries Service require it

By Order of the R^t Hon^{ble} the Liev^t Govern^r & Councill

W. Edwards Cl. G. Ass^{ble}

Aprill y^e 15th 1692

Then Maj^r *Lawrence Smyth* from the Co^mittee of Publique Claimes presented a booke of Reports of the said Co^mittee which being thoroughly read the Same were agreed to by y^e House with such alterations & amendments as are noted downe in the Body & margent of the said Booke of Reports.

Ordered That allowances for Indian Interpreters be taken into consideration tomorrow morning and as agreed upon added to the Booke of Reports of the Co^mittee for publick Claimes for the nearer perfecting the said Book of Claimes in Order to its being carried to the Councill for their concurrence.

M^r C^r *Robinson* craveing leave of the house to goe home, he having received an acco^{te} that his family lies in a very sick Condition.

Leave was given accordingly.

Major *Charles Scarburgh* added to the Co^mittee of Greivances & Propositions and Ordered to take the Chair during his absence.

The house adjourned till Seaven a clock tomorrow morning.

Saturday Aprill 16th 1692

CAPT *Miles Cary* according to the leave given him brought in a Byll for defraying the Burgeses Expences by y^e publique which was received & Laid upon the Table.

Ordered That M^r Speaker giue the thanks of this house to M^r *Stephen Faunce* for his Sermon preached before the Generall Asssembly on the publique Thanks-giving day.

The

The house according to the Order of yesterday tooke into consideration allowances for the Indian Interpreters and having annexed their Resolutions in that matter to the Booke of Reports of Publique Claimes yesterday read in the house.

Ordered that Major *Lawrence Smyth* & Cap^t *W^m Randolph* carry the said booke of Reports to the Councill for their concurrence.

Coll^t *Arthur Smith* from the Committee of Greivances & Propositions to whome it was referred to draw a Byll aboute the prosecution of Negro Criminalls Reported That according to Order they had drawne a byll for that purpose, and had directed him to bring the Same, into the house & then the Byll was read & laid upon the Table.

Vpon Reading y^e Reporte of the Committee of Greivances & Propositions for y^e deviding of *Rappahanock* Countie into two Counties the house agrees thereto. and

Resolved That a Byll be prepared accordingly.

Ordered That the Committee of Greivances & propositions do prepare and Draw up a Byll for the deviding of *Rappahanock* County into two Counties according to the proposition of y^e f^d Committee aboute the Same, & Reporte it to the house on *Munday* next in the afternoone.

Vpon Reading the Reporte of the Committee of Greivances & Propositions concerning the explanation of the 92^d Act of Affembly entituled *Surgeons Accoⁿ Regulated* the house agreed to the Same with Some alterations & thereupon.

Resolved & Ordered That the Committee of greivances & Propositions do prepare & bring in a Byll for the better explaining the 92^d act of Affembly Entituled *Surgeons accoⁿ Regulated* according to the Reporte of the said Committee with this further addition & alteration as followeth.

That where the Phyfician or Surgeon cannot declare upon his Oath the first cost of the Medicines the Courte be empowered to give Judgem^t of the Same according to discretion.

That the Phyfician or Surgeon be allowed Cent ~~75~~ Cent upon the first Cost of his Medicines.

The proposition of the Committee of Greivances & Propositions for a Law to restraine all persons, who have neither Freehold in nor Leafes of Lands to keep horses, Cattle & hoggs except within fences & inclosures being read a debate did thereupon arise & the Question being put for a Byll to be prepared accordingly it passed in the Negative.

The house taking into Consideration the Reporte of the Committee of Propositions & Greivances aboute the Act for Ports made the Last Session of Affembly, who Reported their Opinions that the Said Act is for the promotion of their Mā^{rs} Interest, the good & Wellfare of this Countrey and conducing to the encouragement of Trade.

Resolved That Maj^r *Charles Scarburgh* Coll^t *Arthur Smyth* M^r *Ring* Cap^t *Ranfone* M^r *Harrifson* M^r *Churchhill* M^r *Colston* Cap^t *Randolph* M^r *Carter* & Cap^t *Hardidge* doe make application to the Hon^{ble} Council to pray their Concurrence with the house to represent the Same to the R^t hon^{ble} the Liev^t Governour & humbly request him to use his authority in y^e encourageing & enforceing a full & Speedy Compliance thereto and for putting the f^d Law in effectuall practise which will prove a meanes to dishearten & put a Stop to the discouragers thereof for the future: And they are likewise empowered to request their hon^{rs} that they will be pleased to concurr with this house humbly to petition their Ma^{ties} for their Royall Assent to & Confirmation of y^e f^d Act for Ports & to pray their Hon^{rs} to assigne time for Conference upon the Subject matter of this vote & thereupon to Report y^e Result thereof to this house.

Ordered That M^r *Leigh* M^r *Lewes* M^r *Thruston* & M^r *Hartwell* forme and prepare an address to their most Sacred Mā^{ties} for their Royall Assent to & confirmation of the Act for Ports &c. made the last Session of Affembly ready to be Reported to the house upon the Councils agreem^t to joyne Therein.

Ordered That the persons appointed to apply themselves to the hon^{ble} Council to pray their Concurrence with the house in Requesting the Liev^t Governour to use his authority in encourageing & inforceing a full & Speedy Compliance to the Act for Ports

&c do desire the Councill to joyne with the houle in the drawing up & Sending an addrefs to their Ma^{ty} to make thankfull acknowledgement for their Ma^{ty} care in Tranfmitting to the Countrey a Store of powder and ammunition for its defence & Security.

The houle adjourned till ii of clock *Munday* morning

Munday Aprill the 18th 1692.

M^R *Malachy Thruston* according to leave given presented a Byll for the alteration of the day appointed by Law for holding Courte in *Princes Ann* County, which was Received & laid upon the Table.

And then the houle adjourned till 3 a Clock afternoone.

Post Meridiem

M^{AJ^R} *Charles Scarburgh* from the Committee of Greivances & Propofitions Reported that the faid Committee had according to the Order of the houle prepared two Bylls *viz*

A byll for the better defence of the Countrey.

A byll for deviding *Rappahanack* Countie. Which they had directed him to present to the houle & then the Said Bylls were received & laid upon the Table.

Then Maj^r *Charles Scarburgh* from the faid Committee Reported That according to the Order of the Houle they had duely Considered the Petition of Severall Freeholders of *King & Queen* County touching the Obstruction of y^e Porte at *West pointe*, referred to them on the 9th Inst^t and had for the better Stateing of the whole matter, & Reporting their Opinions therein made divers Examinations & inquiries & at last came to a Resolution, which they had directed him to Reporte to the houle whereupon he read the Same in his place & then delivered it in at the Table, And the faid Reporte being taken into consideration of the houle it was thereupon *Resolved*.

That the magistrates of *King & Queen* County Courte haue proceeded Regularly & consonant to Law in appointeing *West pointe* to be laid out by the Surveyor of the County for a Port, & giving the Inhabitants notice of the day of Laying out the Same, in appointing Feoffees to and for the use of the faid Countie, & in makeing an agreement for the price with Coll^l *Jn^e West* the Owner & Proprietor thereof, & that the Defects Occasioned by the Errors of y^e Trustees are now supplied by Coll^l *Jn^e West* fygneing a Deed agreed on by y^e Courte, and the Law in that respect fully purfued.

The houle adjourned till ten a clock to morrow morning.

Tuesday Aprill the 19th 1692.

A BYLL for Defraying the Burgeffes Expences by y^e publique read the first time, & the Question being put for a Second Reading it passed in the negative.
Resolved that the faid Byll be rejected.

A byll aboute the prosecution of Negro Criminalls read the first time & Ordered a Second reading tomorrow morning Seven a Clock.

A byll for Altering the day for *Princes Anne* County Courte read the first time & Ordered a Second Reading.

A byll for the better defence of y^e Countrey read the first time & Ordered a Second Reading.

A byll for deviding *Rappahanock* County read the first time and upon the Question, Ordered a Second Reading.

Then Maj^r *Charles Scarburgh* from the Committee of Greivances & Propofitions presented a Byll aboute Phyficians and Surgeons Acco^{tes} which was received & Read the first time & Ordered a Second Reading.

And

And then the said Maj^r *Scarburgh* from the f^d Committee Reported that having proceeded in the Consideration of divers matters to them referred they had directed him to Report the Same to the house which he read in his place & then delivered them in at the Table.

Vpon Reading the Reporte of the Committee of Greivances & Propositions That they conceive it necessary that a Byll be prepared directing the method for arrefts the house agreed thereto. and

Resolved That the Committee of Greivances & Propositions doe prepare & being in a byll directing the Method for arrefts according to the Reporte of the f^d Committee.

And that in preparing the f^d Byll. they add or insert the Forme agreed upon by the house for all returns upon Writts for Elections of Burgeffes to be made in for the future, and also frame Such a Forme as may be thought fitt for a Common returne upon Writts for convening of prorogued or adjourned Assemblies & Report the Same annexed to the Byll.

Vpon Reading the Reporte of y^e said Committee that a byll be prepared Commanding the Magistrates of every County to purchase at the Charge of y^e County a Seal, and that no Suspicious person whatever be suffered, to travell without having from the Clerk of y^e County a Certificate of his Freedome under the Clerkes hand & Seal of the County where his last residence was &c the house agreed thereto and

Resolved that the Committee of Greivances & Propositions prepare & Bring in a Byll according to the Reporte of y^e said Committee.

Vpon Reading the Reporte of the said Committee that a Byll be prepared declaring that were [where] two Severall Tracts of Land joyneing together haue already been taken up the seating of the One Shall save the desertion of the other, provided that within three yeares after this time, the other be Seated according to Law, & that all Such Lands on such Conditions shall be confirmed to the present possessor thereof but for the future the Seating of one Shall not Save the desertion of y^e Other but that both be Seated according to Law, Marshes Sunken-grounds & Overplus Land within or adjoyneing to old bounds only excepted, The house agreed thereto & *Resolved* that a Byll be prepared accordingly.

Ordered That the Committee of Greivances & Propositions prepare & bring in the f^d Byll and that it be given as a further instruction to the said Committee to add a clause to the Same for the better Explanation of y^e 72^d Act of Ass^{bl}y in the Printed Booke Entituled *Lands five yeare in possession*.

Cap^t *Geo. Cooper*, Cap^t *W^m Ball*, & Cap^t *Lawrence Washington* complaining to this house that according to the Order of the house they had endeavoured to gett the Powder allotted for *Patomeck* River conveyed, & that for that end they had applyed themselves to a master of a Sloop bound thither who demanded the unreasonable Sum of 10000^{lbs} of Tob^o for that Service, and therefore they desired Some directions from the House how to act no Sloopes being to be hired on reasonable Termes.

It was thereupon *Ordered* That the f^d Persons together with Cap^t *Joshua Storey* & others Concerned to gett the Powder conveyed which is allotted for *York* River doe make application to the L^t Govern^r & in the name of the House desire his hon^r to issue out his Warr^{ts} to the Officers qualified by y^e Laws to impress & Command them to impress Sloopes & men to transport the Powder allotted for *Patomack* & *York* River to each of the f^d Ports for such Reward & Satisfaction to be paid by y^e publique as the Lawes in that case provide and direct.

The house adjourned till 5 a clock afternoone.

Post Meridiem.

MAJ^R *Charles Scarburgh* from the Committee of Greivances & Propositions Reported that according to the Order of the house they had formed & prepared 3 bylls *Viz*

A byll concerning Writts & Returnes

A byll for the more exact discovery of Runawayes & idle & vagrant persons.

A byll for confirmation of Lands which he delivered in at the Table & were received.
Then the Byll concerning Writts & Returnes was read the first time and Ordered
a Second Reading.

A byll for the more exact discovery of Runawayes & idle & vagrant perfons read
the first time & Ordered a Second Reading

A byll for confirmation of Lands read the first time & Ordered a Second Reading.

The house being informed that Coll^t *Edward Hill* Treafurer of the Imposition upon
Liquors & the duty upon Skins & Furs laid the last Session of Assembly is come into
Towne, appointed M^r *Harrisson*, M^r *Hartwell* & Cap^t *Randolph* at Some Suitable &
convenient time to take of him an Acco^{ts} of y^e said Imposition according to the acts in
that case provided, And Ordered the said perfons forthwith to acquainte the f^d Coll^t
Edu^d hyll with this appoyntment to the end he may provide & make his said Accountes
Ready with all Convenient Speed to be brought in to this House.

The house having Observed from a Clause in a Letter from *Jeffry Jeffries* Esq^r
That M^r *W^m Sherwood* a person lately arrived from *England* had taken much paines to
procure Copies of all the Charters & Grants that had beene made to this Country in
former Reignes & being informed by a member of the House that the f^d M^r *Sherwood*
had brought in with him divers papers relateing to this Countrey the knowledge whereof
might be of great Service.

It was thereupon Ordered That Maj^r *Charles Scarburgh* M^r *Hartwell* M^r *Leigh* M^r
Thruston & M^r *Church-hill* goe to the house of the said M^r *Sherwood* tomorrow morning
& desire an inspection into all Such papers as he hath brought from *England* with him
relateing to this Countrey & take an acco^{ts} of all Such as may be thought usefull & worthy
the Consideration of this house & to reporte the Same.

The house adjourned till 7 a clock tomorrow morning.

Wednesday Aprill the 20th 1692.

MAJOR *Charles Scarburgh* from the Committee appointed to take a view of y^e
Papers relateing to this Countrey in the Possession of M^r *W^m Sherwood*
Reported That according to the Order of the house they had inspected
Copies of Severall Grants Charters & other papers relateing to this Countrey
which M^r *Sherwood* had procured in *England* by great industry & paines in searching at
Severall Offices, & as the most materiall of them for the use & consideration of the house
had Selected.

The Copy of a Grant to the Earle of S^t *Albans* & others of the *Northern neck* 1667.

The Copy of a Grant of all *Virg^a* to the Earle of *Arlington* & Lord *Culpeper* for 31
yeares An^o 1672.

The Copy of a Grant to Lord *Culpeper* of the *Northerne neck*, 1688.

And the Copy of a Charter to *Virg^a* which had passed the Signet y^e 3^d *March* 1675/6.
Which he delivered in at the Table & were received.

Ordered That the f^d Severall Copies be Comitted to the Consideration of y^e Committee
of Grievances & propositions to inquire into the particulars thereof & to Report their
Opinions how farr & wherein the Same may be applied & made use of for the imediate
Service of this Countrey,

A meffage from the L^t Govern^r & Councill by M^r *Edwards* who brought from the
Councill the booke of Claimes allowed by the House & Sent to the Councill for concur-
rence with a written Answer thereto & also a written Meffage from the L^t Govern^r &
Councill which were received & laid upon the Table.

A byll aboute the Profecution of negro Criminalls read the 2^d time and Committed
to the Committee that first prepared the Same for amendments.

A byll for altering the day for *Princes Ann* County Courte read the 2^d time Ordered
to be engroffed & read a 3^d time.

A byll for the better defence of y^e Countrey read the 2^d time & upon the Question Ordered to be engrossed & read a 3^d time.

A byll for deviding *Rappahanock* Countie read the 2^d time & upon the Question *Resolved* that the Byll be engrossed & read a 3^d time.

A byll aboute Physicians & Surgeons acco^{tes} read the 2^d time & ordered to be engrossed & read a 3^d time.

A byll concerning Writts & Returnes read the 2^d time & committed to the Committee that first prepared the Same for Amendments.

A byll for the more exact discovery of Runawaies & idle & Vagrant persons read the 2^d time & committed to the Committee who first prepared the Same for amendments.

A byll for confirmation of Lands read the 2^d time & ordered to be engrossed & read a 3^d time.

The house adjourned till 5 a Clock afternoone.

Post Meridiem

MAJOR *Charles Scarburgh* from the Committee of greivances & Propositions Reported that the Severall Bylls to them referred this morning for amendments, they had according to the Order & directions of the house amended which amendments he read in his place & delivered the 1^d Bylls & amendments in at the Table.

Then the amendments to the Byll aboute prosecution of negro Criminalls and a new clause added to the Same being twice read after Some time spent in debate thereof the Same were agreed to by y^e House & the Byll with the said amendments & clause Ordered to be fairly engrossed for a third Reading.

The amendments to the Byll for the more exact discovery of Runawayes & idle & vagrant persons were read & after Sometime Spent in debate thereof the Question was put for the said Byll with the amendments to be engrossed & it passed in the Negative.

The amendments to the Byll concerning Writts & Returnes being twice read, the Same were agreed to by the House & the Byll with the amendments ordered to be fairly engrossed for a Third Reading.

A Message from the Councill by M^r *Edwards*.

M^r *Speaker*.

I am Ordered by y^e Councill to acquainte this house that they have considered your Message aboute Ports & desire Some of the members of the house may be appointed to conferre with them aboute the Same tomorrow morning.

Ordered That the members appointed to carry the said Message to the Councill and to desire a Conference aboute the Subject matter thereof doe wait upon the Councill accordingly.

Ordered That the Answer of y^e Councill to the Booke of Claimes brought into the house this morning be taken into Consideration of the house tomorrow in the forenoone.

Ordered that the house be called Over at their first Setting tomorrow morning.

And then the house adjourned till Six a clock to morrow morning.

Thursday Aprill the 21st 1692.

THE Writt for *Westmorland* County being now transmitted from the Secretaries Office the Sherriffs Returne thereupon was read & the Same being approved *Resolved* That Cap^t *W^m Hardidge* & Cap^t *Lawrence Washington* are duely Summoned & Returned Burgesses for *Westmorland* County.

Then the Sherriff for *Westmorland* County in Custody of the messenger of y^e House for haveing so long failed to make Return of y^e Said Writt was Ordered to be brought before the house, where being heard what he had to Say for his excuse after an
humble

humble Submission & craveing pardon for that his Default, The house thought fitt & accordingly *Ordered* That the said Sherriff be discharged out of Custody paying his Fees

The house was called Over according to Order & the absence of those that did not appeare excused.

A byll for the better defence of the Countrey read the 3^d time & passed *nemine contradicente*

A byll for confirmation of Lands read the 3^d time & passed.

A byll for the more speedy prosecution of Slaves committing capitall Crimes.

A byll concerning Writts and Returnes read the 3^d time & passed.

A byll aboute Physicians and Surgeons acco^{ts} read y^e 3^d time & passed.

A byll for deviding *Rappahan^k* Countie read the 3^d time & passed.

A byll for altering the day for *princeps Anne* County Courte read the 3^d time & passed

And each of the said Bylls were forthwith Ordered to be carried to the Councill for their Concurrence.

Ordered That Coll^t *Lawrence Smyth*, M^r *Hartwell* & M^r *Randolph* doe waite upon the L^t Govern^r and desire an acco^{te} how long the Rangers appointed at the heads of y^e River the last Seffion were in actuall Service and when discontinued to the end the house may know how to proceed in raiseing their pay & that his hon^r would be pleased to communicate to this house such directions as he fhall think fitt aboute the Same.

Major *Charles Scarborough* from the Conference with the Councill aboute y^e forwarding of y^e Ports Reported That upon the whole matter their hon^r declared they could not joine with the House in those waies propofed for the forwarding the Act for Ports made the last Seffion according to their Message on *Saturday* last, & thereupon the house came to a debate, wherein having Spent some time it was.

Resolved That the House will Resolve into a Committee of y^e Whole house to morrow morning Six a Clock to resume the debate & confider of the most Expedient waies & meanes for the more effectuall carrying on the Law for ports &c

The house according to the Order of Yesterday takeing into consideration the answer of y^e Councill to the Book of Claimes some parts thereof were agreed to and others disagreed to, and a Reply accordingly drawn up in Writeing to be sent with the said Book of Claimes when next Carried to the Councill for Concurrence.

Then a Proposition from the L^t Govern^r & Councill for a fuitable reward to W^m *Norrington* Comander of the Ship *Barnadistance* for his trouble & care in bringing in 200 barr^{ls} of Powder & others Stores sent by their Mā^{ty} to this Countrey was read & upon Consideration thereof a Gratuity for the f^d Service agreed upon & annexed to the book of publique Claimes.

The house adjourned till four a clock afternoone.

Post Meridiem

A WRITTEN Message from the L^t Govern^r by M^r *Edwards* was read and the Same being an answer to the message of this house of this morning for an acco^{te} of y^e continuance & discontinuance of y^e Rangers at the heads of the Rivers with Other directions was committed to the Comitte for Publique Claimes.

M^r *Benjamin Harrifson* from the Comitte appointed to take M^r *Treasurers* acco^{te} brought into the house an Acco^{te} from M^r *Treasurer* of y^e 4^d *ᵿ* gall^{ls} upon Liquors & an Acco^{te} of y^e Imposition upon Skins & furs which he delivered in at the Table.

And then the Same being taken into consideration the house observed That Severall of the Collectors had not given in their Acco^{te} as the act of Assembly for raiseing the said Imposition directs whereupon It, was *Ordered* that the members before appointed to take M^r *Treasurers* Acco^{te} doe acquainte him that this house doth expect each partic-
ular

ular Collector to give in his acco^{ts} upon Oath, & according to the forme & method prescribed by y^e Law if he hath not already done the Same, and that he Accordingly informe the Collectors thereof & move the L^t Govern^r to appointe Some perfon to give the Oath.

The house adjourned till tomorrow morning Six a clock.

Fryday Aprill the 22^d 1692.

THE house according to the Order of yesterday Resolved into a Comitte of the whole house to confider of the most expedient waies for the more effectually executeing the Law for Ports and Maj^r *Charles Scarburgh* tooke the Chair, and after Some time Spent therein.

M^r *Speaker* resumed the Chair & Maj^r *Scarburgh* Reported That y^e Comitte had made Some Progreſs in the matters to them referred & had directed him to move the house for leave to Sitt againe aboute the further confideration of the Same.

Resolved That the house Resolve into a Comitte of the whole house to proceed in the further confideration of the best waies & meanes for the more effectually executeing the Law for Ports on *Munday* morning ten a clocke.

Maj^r *Lawrence Smyth* from the Comitte of Publique Claimes Reported That they had confidered the answer of the L^t Govern^{rs} aboute the Rangers to them referred & had therein come to a Resolution w^{ch} being delivered in at the Table was received.

And then the house adjourned till *Munday* morning ten a Clocke

Munday Aprill the 25th 1692.

INFORMATION being made that Cap^t *James Ransone* a Member of the House being very ill of a Feaver and cold desired leave to goe home for the recovery of his health.

leauue was given accordingly.

The house according to the Order of the Day having Resolved it Self into a Comitte of y^e whole house to proceed in the further confideration of the properest wayes for the more effectually putting in Practise the Law for Ports.

Maj^r *Scarburgh* Reported That the said Comitte had agreed upon a Resolution which he read in his place, & was approved and thereupon *Resolved*.

That W^m *Blathwaite* Esq^r be requested as an Agent for this Countrey to endeavour to procure their Mā^{ty} Royall assent to and Confirmation of the Law for ports &c made the Last Session & that for that end Such Reafons be drawne up & Transmitted to him for his instruction as have already caused a generall propensety for it here and which is hoped will clearly evince that the Said Law doth & will Tend to the advancement of Religion & Learning their Mā^{ty} Interest, the Countreys great advantage & increafe of Trade.

Ordered That M^r *Harrifson*, M^r *Leigh* M^r *Church-hill* & M^r *Thruston* waite upon the R^t hon^{ble} the L^t Govern^r forthwith to acquainte him with this Vote & to desire his hon^r to Assygne Councill to conferre with Such of the Members of this house as Shall be appointed aboute the Subject matter thereof aboute an answer to M^r *Jeffries* Letter and aboute the busineſs committed to M^r *Blaire*.

A written Meſſage from the L^t Govern^r by M^r *Edwards* as followeth.

By y^e R^t hon^{ble} the L^t Govern^r

M^r *Treasurer* having presented a meſſage directed to him from the R^t Worſhipfull the house of Burgeſſes wherein they ſet forth that they obſerved by his acco^{ts} of y^e 4^d ¶ Gallon & imposition upon Skins & Furrs, That Severall Collectors have not given in their Acco^{ts} as the Act of Affembly for raiſeing the ſ^d Impoſition directs & that therefore

it

it was expected each particular Collector give in his acco^{te} upon Oath according to the Terme & method prescribed by y^e Law and that he informe the Collectors thereof, & move me to appointe Some persons to give the Oath, in answer thereto I returne that I will Order the Severall Collectors to prepare & State their Acco^{tes} according to Law and make Oath to the Same before my Self & the hon^{ble} their Mā^{ts} Councill of the Auditt in *June* next, & then deliver them to M^r *Treasurer*.

Aprill the 25th 1692.

Fr Nicholson.

Resolved That the house doth acquiesce in the L^t Govern^rs answer abovesaid.

M^r *Rob^t Carter* a Member of the house having a Complainte exhibited against him in the Generall Courte by *Eliz^h Wormely* now wife of *Christopher Wormely* Esq^r & desiring leave to waue his priveledges as a member of the House, and that he might be permitted to answer the Same.

Leave was granted accordingly.

Resolved That the house will tomorrow morning take into consideration all other necessary allowances to be added to the booke of Claimes to the end the Same may be finished & Sent to the Councill for their Concurrence.

Then the house adjourned till tomorrow morning Six a Clock.

Tuesday Aprill the 26th 1692.

APETITION of *Samuell Ravenscroft* Setting forth that from *New England* he had imported his Family to Settle in this Countrey & had for their use & expence now brought in Some Beere & Syder & praying that he may haue liberty to bring the Same on Shoare without payment of the Imposition according to Law was read & upon consideration thereof the house thought fitt & accordingly *Ordered*, That if the R^t hon^{ble} the L^t Govern^r & Councill Shall concurr therein the Collector of that district be permitted to give a Byll of Store, for the Landing of Such Beer & Syder only as the said *Ravenscroft* hath imported for his families use, provided he give an acco^{te} upon Oath to the Collect^r of the district & pay duety for Such Quantity as he now desygnes or hereafter Shall expose to Sale.

Vpon Reading the Reporte of the Committee for Publique Claimes that they had raised for the Severall L^{ts} Soldiers, Indians & Owners of horses &c at the heads of the Rivers a full Salary for a yeare expiring the 15th *November* next the house agreed to the Same, and having annexed the said Salary to the booke of publique Claimes, *Resolved* That the Same be & Remain in Deposits in the hands of the Sherriffs of the Severall Counties in which it is proportioned untill they Shall receive a particular Command from the R^t hon^{ble} the L^t Govern^r & Councill for the respective payments to the Severall persons concerned for the time they have bene in actuall Service.

Resolved That the R^t Hon^{ble} the L^t Govern^r & Councill be desired to examine what time & how long the Soldiers in the Severall Counties Shall be in actuall Service & Order their payments accordingly for Such time & that if any Tob^o remains in any Sherriffs hands after Such paymen^{ts} are made that an exacte acco^{te} thereof be returned to y^e next Assembly as also of what was due to the Severall Soldiers the last yeare for the time they were in actuall Service there being nine moneths pay compleatly Levied for each and of the Severall payments that the ballance of that Acco^{te} may also appear.

Ordered That the R^t Hon^{ble} the L^t Govern^r & Councill be acquainted with this Resolv^{ve} of the house.

Then the house according to the Order of yesterday entred upon the consideration of all other necessary allowances to be added to the book of publique Claimes which having agreed upon & finished the Same were added to the said Book accordingly & it was *Ordered*.

That Maj^r *Laurence Smyth* Cap^t *W^m Randolph* M^r *Hen. Hartwell* & Cap^t *W^m Hardidge* carry the said booke of Claimes together wth the Reply of this house to the Written answer

answer of the Councill sent to this house on *Wednesday* last & the Resolves this day made upon the Reporte of the Committee of Claimes aboute the Rangers & desire their hon^{rs} Concurrence thereto.

Mr Benjamin Harrisson Reporting to the house that the R^t hon^{ble} y^e L^t Govern^r would according to the desire of the house assygne Some of the hon^{ble} Councill to hold Conference with such Members of this house as shall be appointed aboute the Subject matter of Yesterdays Vote an answer to *Mr Jeffry Jeffries* Letter & the busines committed to *Mr Blayre* at two a clock in the afternoone in the Councill Chamber, It was thereupon Ordered That *Maj^r Charles Scarburgh* *Mr Benjaⁿ Harrisson* *Mr Henry Hartwell* *Maj^r Law: Smith* *Cap^t W^m Randolph* *Mr Leigh*, *Mr W^m Church-hill*, *Cap^t W^m Hardidge* *Cap^t Malachy Thruston* & *Cap^t Francis Mason* be appointed to manage the said Conference & give their Attendance accordingly.

A Message from the Councill by *Mr Edwards* who brought into the house Severall Bylls Sent to the Councill for Concurrence & a Written answer thereto.

A byll for the better defence of y^e Countrey returned from the Councill with a proposition of a clause to be added to the Same & the f^d Clause being read, the Same was agreed to by the house & Ordered to be added to the f^d Byll.

A byll for the Confirmation of Land returned from the Councill wth the proposition of amendments viz: a Clause to be inserted & a Clause to be added & the same being read the house thought fitt to pray a conference for explanation thereof & thereupon Ordered the Managers of y^e Conference appointed accordingly this evening to desire & hold the Same.

A byll concerning Writts & Returnes Returned from the Councill w^{ch} [wth] the proposition of a new clause to be added which being read was disagreed to by the house.

A byll aboute Phyicians & Surgeons accountes Returned from the Councill agreed to.

A byll for the more Speedy prosecution of Slaves committing Capitall Crimes Returned from the Councill agreed to

A byll for the divideing of *Rappahanock* Countie returned from the Councill with a proposition of a new clause & the Same being Read was agreed to by the House and Ordered to be added to the f^d byll.

A byll for Altering the day for *Princes Anne* County Courte Returned from the Councill agreed to.

The house of Burgesses being deeply Sencible of the Singular deserts of the R^t hon^{ble} *Fran^s Nicholson* Esq^r their Mā^{ty} L^t Gover^r in his constant & earnest endeavours to promote Religion & Learning their Mā^{ty} Service the Peace Welfare & Security of this Countrey together with his indefatigable paines & unwearied diligence in his personall visiting all parts of this Dominion & Contriveing the best expedient to preserve the Same, do as a Testimony of their endeared affection to So great meritt, request their Mā^{ty} hon^{ble} Councill to joyne with this house in desiring him to accept the Sum of 200^{lb}: *Ster^t*: in *Mr Treasurers* hands as the Same Shall arise out of the Impost upon Liquors not as proportionate to his great meritt but as excited by a due Sence of Gratitude to acknowledge the Same.

Mr Speaker Together with Such members as he Shall think fitt to accompany him is desired to acquainte the Councill with this vote & desire their Concurrence therein.

The house adjourned till 4 a Clock afternoone.

Post Meridiem

M*R Speaker* Reported that having Obtained the Concurrence of y^e Councill to the Vote of the morning aboute 200^{lb} the Councill with himself & divers other members of the house did thereupon waite upon the L^t Govern^r to acquainte him therewith who in answer thereto was pleased to expresse a great deal of unwillingness to accept that acknowledgm^t and Said he had acquainted the house with his Mā^{ty} instructions at the last Session & that his Aimes were not at
Such

Such ends but his endeavours were & ever Should be the Service of their Mā^{ty} the Good & advantage of this Countrey to the utmost of his Ability, in which he would expose even life it Selfe & that he better accepted the acknowledgem^t acceptance & Sence the Country had of his endeavours to Serve it then any other gratification Whatsoever.

The house adjourned till 7 a clock tomorrow morning.

Wednesday y^e 27th Aprill 1692.

VPON Report of the Conference with the Council for the explanation of y^e Clause propofed to be inferted in the Byll for Confirmation of Lands the faid Clauses were agreed to by the house and Ordered to be inferted & added to the byll accordingly.

Then the Severall Bylls paffed this Seflion & were ordered to be carried to the Council for the attestation of their Concurrence & being brought back into the house fo attested, the fame were Ordered to be fairly engrossed for Sygning.

Maj^r *Lawrence Smyth* brought into the House the Booke of Claimes wholly agreed to by y^e Council.

A Comitte for Proportioning the Levy.

Cap^t *W^m Randolph*

Mr *Henry Hartwell*

Mr *Benjamin harriffon*

Mr *Jos: Ring*

Mr *W^m Church-hill*

Mr *Rob^t Boling*

Coll^l *Law Smith.*

Maj^r *Charles Scarburgh* from the Conference with the Council aboute the Vote of the house concerning *W^m Blathwaite Esq^r*

An Answer to Mr *Jeffry Jeffryes Lett^r* & the businefs committed to Mr *Blair* reported.

That the Council did agree with the house in the nomination of *W^m Blathwaite* esquire as person most proper to be applyed to for promoteing the affaires of this Countrey & thereupon propofed a letter to be writ to him to request him accordingly & Some memorialls to be drawne up to accompany the Same.

That Mr Secretary *Cole* hath undertaken to prepare an answer to Mr *Jeffries Lett^r* and to propofe letters to his Grace the Archbifhop of *Canterbury*, the Lord Bifhop of *London*, & the Lord Bifhop of *Worcester* & that it is left to the house to frame a Letter to Mr *Blair* to draw up the letter & memorialls for *W^m Blathwaite Esq^r* and an addrefs of thanks to their Mā^{ty} for Sending to this Countrey the Powder & Stores lately imported in Cap^t *Norrington*.

Ordered that

Maj^r *Scarburgh*

Mr *Church-hill*

Mr *Harriffon*

Cap^t *Hardidge*

Mr *Hartwell*

Cap^t *Thruston*

Coll^l *Smyth*

Cap^t *Mason*

Cap^t *Randolph*

&

Coll^l *Arthur Smyth*

Mr *Leigh*

be appointed a Comitte to confider of & draw up a letter & memorialls for *W^m Blathwait* esq^r a letter to Mr *James Blayre*, an addrefs to their Mā^{ty} of thanks for Sending to this Countrey a Store of Powder & aⁿnition & the best meanes to Obtaine their Mā^{ty} Leave to the L^t Govern^r to accept of y^e Sum of 200^{lb} prefented to him & to reporte the fame to the house as foone as pofible.

Resolved That the Sum of 200^{lb} Ster^l. be put into the hands of Mr *Gowen Corbyn* merchant of *London* to be paid to *W^m Blathwait Esq^r* as he Shall have Occasion to difpofe of the Same for the use of this Countrey.

Ordered That this Refolve be carried to the Council for their concurrence.

The house adjourned till Six a clock to morrow morning.

Thursday

Thursday Aprill the 28th 1692.

CAPT W^m Randolph from the Committee to whome the Same was referred Reported That according to Order they had proportioned the Levy & the Same being Sumd up amounted to seventeene pounds & one Quarter of Tob^o & pole which they had proportioned to the Severall Creditors of the Countrey and the Same was agreed to by the house.

Mr W^m Church-hill a member of y^e Houfe moveing the house for leave to go home for the management of Some urgent affaires

Leave was given accordingly.

A byll for raifeing a publique Levy read the 1st time.

A byll for raifeing a publique Levy read the 2^d time.

Ordered to be engrossed & read a 3^d time.

A byll for raifeing a publique Levy read the 3^d time passed & Ordered to be Carried to the Councill for their Concurrence, and then

The house adjourned till two a Clock afternoone.

Post Meridiem

A BYLL for Raifeing a publique Levy returned from the Councill assented to.

The Resolve of the house for 200^{lb} to be lodged in Mr Gowen Corbyns hands to be drawne out by W^m Blathwaite Esq^r as hee shall See occasion for the use of the Country returned from the Councill assented to.

Ordered that Mr Treasurer do remitt into the hands of Mr Gowen Corbyn the Sum of 200^{lb} to be there Lodged for W^m Blathwaite Esq^r as he shall see Occasion to make use of the Same according to the Vote of Yesterday.

A motion being made for leave to Mr Jo: Ring a member of the house to go home he being lame & unable to attend the Service of the house.

leave was given accordingly.

Maj^r Charles Scarburgh from the Committee to whome the Same was referred Reporte that according to the Order of the house they had drawne up & prepared an addrefs to their Mā^{ts} giving them thanks for their Royall Care in sending to the Countrey a Store of powder &c an addrefs to their Mā^{ts} to permitt the L^t Govern^r to accept of 200^{lb} a Letter & memorialls for W^m Blathwaite Esq^r & a Letter to Mr James Blayre which he delivered in at the Table & were there read and after Some amendments approved & agreed & then Ordered to be carried to the hon^{ble} Councill for their Concurrence.

Resolved that the Sum of 100^l Ster^t be put into the hands of Mr Gowen Corbyn merch^t of London to be paid to Mr James Blaire as he shall have Occasion to dispose of the Same for the managing of the affair of the free Schoole & Colledge committed to him the Last Session.

Ordered That Mr Hartwell & the rest of the Committee of publiq Claimes do forthwith withdraw & State Mr Treasurers acco^{te} proportioning the Severall Sumes of money allowed this Session to be paid by him according as the same is directed in the publique booke of Claimes or is Resolved & Ordered by this house & reporte the Same withall convenient expedition.

Mr Hartwell &c returned & reported that according to Order they had Stated Mr Treasurers acco^{te} which was read and approved & Ordered to be carried to the Councill for their assent.

Then Maj^r Charles Scarburgh from the Councill brought into this house a Letter to his Grace the Archbishop of Canterbury, A Letter to the Lord Bishop of London, & a letter to the Lord Bishop of Worcester which according to agreem^t at the conference aboute the Same Mr Secretary Cole had prepared & the Same being lett^{rs} of thanks for their Assistance to Mr Blaire in managing the Colledge affaire were read & were ordered to be sent to the Councill.

The house adjourned till tomorrow morning. Seven a clocke.

Friday

Friday Aprill the 29th 1692.

THE Refolve of the Houſe for 100^{lb} to be put into M^r *Gowen Corbyns* hands to be paid to M^r *Blaire* as he ſhall have Occaſion to diſpoſe of y^e Same for the managing of the buſineſs of the Colledge returned from the Councill aſſented to.

A lett^r to *Jeffry Jeffryes* Eſq^r prepared by M^r Secretary *Cole* according to agreem^t at the conference aboute the Same was read & Ordered to be returned to the Councill for amendm^t

The acco^{ts} of M^r *Treasurer* with the ſeverall Orders for payment of money to the Severall Creditors thereupon Returned from the Councill aſſented to.

Resolved That M^r Secretary *Cole*, be deſired & empowered to take Bylls of Exchange of M^r *Treasurer* for the Sum of 200^l *Sterl*: Ordered to be Lodged in M^r *Gowin Corbyns* hands for W^m *Blathwaite* Eſq^r & the Sum of 100^l *Sterl* Ordered to be lodged there alſo for M^r *James Blaire*, & remitt the Same to M^r *Gowen Corbyn* with full inſtructions purſuant to the Refolves of the Gen^l Aſſembly therein.

Ordered That this Refolve be carried to the Councill for Concurrence.

A Letter of thanks to the Lord Biſh^p of *Salisbury* prepared by the Houſe for his Aſſiſtance to M^r *Blayre* in managing the Colledge affair was read & approved & Ordered to be Carried to the Councill for Concurrence.

The houſe adjourned till 4 a Clock afternoone

Poſt Meridiem

A LETT^R to M^r *James Blayre* returned from the Councill agreed to & Ordered to be fairly Tranſcribed.

A letter & memorialls to W^m *Blathwaite* Eſq^r returned from the Councill with amendm^ts which ſaid amendm^ts being read were after a conference thereupon held, concluded & agreed to by y^e Councill & the Houſe, & being accordingly amended, Ordered to be fairly Tranſcribed.

An Addreſs to their M^{ties} giving thanks for their Royall care in Sending to the Country a Store of Powder & Gunners Stores returned from the Councill agreed to & Ordered to be fairly Tranſcribed as followeth.

To the King & Queen's moſt excellent Ma^{ties}

Wee your ma^{ties} moſt dutyfull & Loyall Subjects yo^r Ma^{ties} L^t Govern^r Councill & Burgeſſes at this preſent Generall Aſſembly in all humble & thankfull manner acknowledge yo^r Ma^{ties} Royall Care extended to this your Dominion in Supplying the Same with Powder & Gunners Stores whereby to be in a capacity to defend it, & yo^r M^{ties} Subjects thereof, & to Oppoſe all yo^r Ma^{ties} Enemies, & as a Sincere Teſtimony of o^r hearty Sence & acknowledgement thereof, do unfeignedly promiſe upon all Occaſions to lay downe o^r Lives & Fortunes in the defence of yo^r M^{ties} Intereſt & the Laws of yo^r Land, as becomes yo^r M^{ties} moſt dutyfull Subjects.

An Addreſs to their M^{ties} from the Councill & Burgeſſes to give leave to the L^t Govern^r to receive 200^{lbs} returned from the Councill with the propoſall of an alteration to be made therein & the Same being agreed to by the houſe was Altered accordingly & Ordered to be fairly Tranſcribed as followeth.

A letter of Thanks to the Lord Biſhop of *Salisbury* for his Lo^r^ſ aſſiſtance to M^r *Blayre* in the buſineſs of y^e Colledge returned from the Councill agreed to & Ordered to be fairly Tranſcribed.

To the King & Queen's moſt excell^t Ma^{ties}

May it pleaſe yo^r M^{ties}

The Singular deſerts of the R^t Hon^{ble} *Francis Nicholſon* Eſq^r yo^r M^{ties} L^t Govern^r of this your Dominion in his Conſtant & earneſt endeavours to promote Religion & Learning,

Learning, yo^r Ma^{ty} Service, & the peace Welfare & Security of this Country together with his indefatigable paines and unwearied diligence in his personall visitting all parts of this Dominion & Contriveing the best expedient to preserve the Same, are great motives to induce us to pray, & therefore wee yo^r Mā^{ty} Councill & Burgeesses of this Aff^{bly} doe most humbly pray yo^r Ma^{ty} to permitt the R^t hoⁿ^{ble} *Francis Nicholson* Esq^r yo^r Mā^{ty} L^t Govern^r to receive the Sum of 200^l Ster^l.

The Refolve of the house for M^r Secretary *Cole* to receive of M^r *Treasurer* Bylls of Exchange for 200^{lb} ordered to *W^m Blathwaite* Esq^r & 100^{lbs} Ordered to M^r *James Blaire* & to remitt the Same to M^r *Gowen Corbynes* returned from the Councill agreed to.

Then these Severall Letters *Viz*: a Letter to his grace the Archbishop of *Canterbury* a lett^r to the L^d Bishop of *London*, & a letter to the Lord Bishop of *Worcester* being letters of thanks for each of their Lordships Assistance to M^r *Blayre*, in promoteing the busines of the Colledge & alsoe a Letter to *Jeffry Jeffryes* Esq^r amended by y^e Councill were brought into the house & severally agreed to, &

Then the house adjourned till tomorrow morning fix a cloak.

Saturday Aprill the 30th 1692.

A MESSAGE from the R^t Hoⁿ^{ble} the L^t Govern^r to acquainte you that he Commands this house to attend him forthwith in the Generall Courte house.
And imediately the house went downe accordingly to attend.

JOURNALL

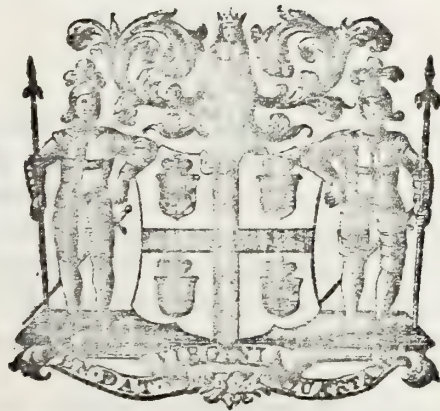
OF THE

HOUSE OF BURGESSES

AT A

GENERALL ASSEMBLY

Begun at *James City*, the second day of *March* 1692/3.
and in the fifth year of the Reign of our Sovereign
Lord and Lady *William* and *Mary* by the Grace of
God of *England Scotland ffrance* and *Ireland* King
and Queen Defenders of the ffaith &c



RICHMOND, VIRGINIA.

MCMXIV.

JOURNALL

OF THE

HOUSE OF BURGESSES.

James City

Thursday March 2^d 1692/3.

DIVERS Burgeffes to the number of thirty three being met in the Burgeffes Chamber His Excellencies Writ for Election of Burgeffes for *Gloucester* County and return thereupon was openly read

A meffage from his Excellency by M^r *Edwards*

Gentlemen of the house of Burgeffes

His Excellency comānds this house to attend him forthwith in the Generall Court house

And accordingly the Burgeffes went downe to attend his Ex^{cy} who was pleas'd after haueing made a fpeech, to Comānd the Burgeffes to return to their house & to proceed to the Choyce of a Speaker.

And the house being returned after the nomination of Coll *Tho Milner* & Major *Samuell Swan* for a fpeaker they Elec^{ted} Coll *Tho. Milner* for their fpeaker.

Maj^r *Sam^l Swan*, M^r *Parke* M^r *Baffet* and M^r *Baker* desired to acquaint his Ex^{cy} that the house haue made Choyce of a fpeaker & to pray his Ex^{cy} to assign a time when y^e house shall p^rsent him

And they being returned Major *Swan* acquainted the house that his Ex^{cy} expected the house to attend him at 3 a clocke afternoon in the Generall Court house.

and then the house adjourn'd 'till 3 a clocke afternoon

Post meridiem

A MESSAGE from his Excellency by M^r *Edwards*
Gentlemen of the house of Burgeffes

I am Comanded from his Excellency to acquaint this house that his Excellency and y^e Councill are now in y^e Generall Court house and his Ex^{cy} doth Comand the imediate attendance of this house there

And accordingly M^r *Speaker* with the house went down to attend his Excellency & Councill, and humbly represented to his Ex^{cy} that the Burgeffes had chofen him their Speaker

and being returned M^r *Speaker* acquainted the house that after presentm^t and his Ex^{cy}'s approba^{cion} of the fpeaker, he prayed in the behalfe of the Burgeffes now affembled & of all the Comonalty of *Virginia* that they might enjoy all those priuiledgs that haue heretofore at any time been used or indulged in former affemblies

and that his Ex^{cy} was pleas'd to allow and Confirme them

A Comittee for Elections and Priviledges

M^r *Miles Cary* Chairman

M^r *W^m Leigh*

Cap^t *Martin Scarlet*

M^r *Arthur Spicer*

M^r *W^m Colston*

Cap^t *Henry Duke*

M^r *Edu^d Chilton* appointed Clerke to this Comittee & Ordered that he giue his attendance to the same accordingly

Ordered

Ordered that y^e Committee for Elections & priuiledges do forthwith goe out to take into their imediate Consideraçon the feuerall writs with y^e Respectiue returns made thereupon now upon the table.

And that the f^d Committee make a Report of their proceedings with all convenient Expedition.

The house adjourn'd till 8 a clocke to morrow morning

ffryday March 3^d 1692/3

CAPT *Miles Cary* from the Committee of Elections & priuiledges Reported y^e y^e Committee had taken into their Consideraçon the feuerall returns of Writs to them Referred and had agreed upon Diuers matters to be reported to y^e house, w^{ch} he read in his place and afterwards deliuered the same in at the table where being againe read they were agreed to by the house and thereupon

Resolved as ffolloweth

That M^r *John Pleasant* and Cap^t *Peter ffieild* are duely elected Burgeffes to serue in this present Session of Asssembly for *Henrico County*.

That Cap^t *John Taylor* and Cap^t *John Styth* are duely elected Burgeffes to serue in this present Session of asssembly for *Charles City County*.

That Cap^t *Michaell Sherman* and Cap^t *Henry Duke* are duely elected Burgeffes to serue for *James City County*

that Cap^t *Miles Cary* is duely elected Burgefs for *James City*

That Majo^r *Sam^{ll} Swan* & Cap^t *ffra Clements* are duely Elected Burgeffes for *Surry County*

That M^r *Henry Baker* and M^r *Antho: Holiday* are duely elected Burgeffes for *Isle of Wight County*.

That L^t *Coll Thomas Milner* and Cap^t *Tho. Lear* are duely elected Burgeffes for *Nantze^m County*.

That Coll *Lemuell Mason* and Majo^r *ffra. Sawyer* are duely elected Burgeffes for *Norfolke County*.

That M^r *John Richardson* & M^r *Jacob Johnson* are duely elected Burgeffes for *Princes Ann County*

That Cap^t *Willis Wilson* and Cap^t *W^m Armistead* are duely elected Burgeffes for *Eliz^a City County*

That Cap^t *Tho. Ballard* and M^r *Daniell Parke* are duely elected Burgeffes for *Yorke County*

That Cap^t *John Lyddall* and Cap^t *William Basset* are duely elected Burgeffes for *New Kent County*.

That Cap^t *James Ranson* and M^r *John Baylor* are duely elected Burgeffes for *Gloūste^r County*

That Cap^t *Matt Kemp* and M^r *John Cant* are duely elected Burgeffes for *Middlesex County*.

That Cap^t *John Battaile* & Cap^t *Edward Thomas* are duely elected Burgeffes for *Effex County*.

That Cap^t *Arthur Spicer* & M^r *W^m Colston* are duely elected Burgeffes for *Richmond County*.

That Cap^t *Martin Scarlet* & Cap^t *Tho. Ousley* are duely elected Burgeffes for *Stafford County*.

That Majo^r *Rich^d Baylie* & M^r *Sam^{ll} Sandford* are duely elected Burgeffes for *Accomack County*.

That Cap^t *David ffox* & M^r *John Stretchley* are duely elected Burgeffes for *Lancaster County*.

That Cap^t *Tho. Yewell* and Cap^t *W^m Hardidge* are duely elected Burgeffes for *Westmorland County*

That

That Cap^t *W^m Cary* is duely elected one of y^e Burgeffes to serue in this p^rsent S^ession of Assembly for *Warwicke County*.

Ordered that Cap^t *Henry Duke* M^r *Arthur Spicer* M^r *Dan^l Parke* M^r *Baker* Cap^t *Scarlet* and M^r *Sherman* doe forthwith waite upon his Ex^{cy} & in the name of the house desire him to assigne some of y^e hono^rble Councill to sweare such members of the house as are found to be duely elected to serue in this present S^ession of assembly.

W^m Byrd Esq^r *Chr: Wormely* Esq^r and *Edw^d Hill* Esq^r three of their Maj^{ty} Councill of State haueing brought into the house a Com^{is}sion sign'd by his Ex^{cy} and under y^e seal of y^e Colony nominateing & appointing them to swear the Burgeffes &c did by virtue thereof administer the Oathes enjoined by act of Parliament to be taken instead of the oathes of Allegiance and Supremacy and the oath of a Burgefs, unto the f^llowing members of y^e house viz

L^t Co^{ll} *Tho: Milner* speaker

Cap ^t <i>Peter ffeild</i>	Co ^{ll} <i>Lemuell Mason</i>	Cap ^t <i>Matt Kemp</i>
Cap ^t <i>John Taylor</i>	Maj ^r <i>f^ra. Sawyer</i>	M ^r <i>John Cant</i>
Cap ^t <i>John Styth Jun^r</i>	M ^r <i>Joⁿ Richardson</i>	Cap ^t <i>Joⁿ Battle</i>
Cap ^t <i>Michaell Sherman</i>	M ^r <i>Jacob Johnson</i>	Cap ^t <i>Edw^d Thomas</i>
Cap ^t <i>Henry Duke</i>	Cap ^t <i>Willis Wilson</i>	Cap ^t <i>Arthur Spicer</i>
Cap ^t <i>Miles Cary</i>	Cap ^t <i>W^m Armistead</i>	M ^r <i>W^m Colston</i>
Maj ^r <i>Sam^l Swan</i>	Cap ^t <i>Tho Ballard</i>	Cap ^t <i>Martin Scarlet</i>
Cap ^t <i>f^rancis Clements</i>	M ^r <i>Dan^l Parke</i>	Cap ^t <i>Tho Ousley</i>
M ^r <i>Henry Baker</i>	Cap ^t <i>Joⁿ Lyddall</i>	Maj ^r <i>Rich^d Baylie</i>
M ^r <i>Antho: Holliday</i>	Cap ^t <i>W^m Basset</i>	Cap ^t <i>Tho. Yewell</i>
Cap ^t <i>Tho: Lear</i>	Cap ^t <i>James Ranson</i>	Cap ^t <i>W^m Hardidge</i>
	M ^r <i>Joⁿ Baylor</i>	Cap ^t <i>W^m Cary</i>

who feuerally afterwards subscribed y^e Test

M^r *John Pleasant* one of the Burgeffes elected & returned for *Henrico County* haueing had the Oathes enjoined by act of Parliament instead of the oathes of allegiance & Supremacy and the oath of a burgefs tendered to him by *W^m Byrd* Esq^r *Christopher Wormely* Esq^r and *Edw^d Hill* Esq^r three of the Hono^rble Councill appointed by his Ex^{cy} to administer the same to euery member of the house and refusing to take y^e same therefore

Resolved that M^r *Joⁿ Pleasant* by his refuseall to take y^e oathes prescribed by act of Parliament instead of the Oathes of allegiance & supremacy and also by refusing to take y^e oath of a Burgefs hath made himselfe incapable of serueing as a Burgefs for *Henrico County* in this present S^ession of Assembly.

Ordered that M^r *Parke* M^r *Spicer* M^r *ffeild* and Cap^t *Taylor* doe immediately wait upon his Ex^{cy} and pray him to issue out a new writ for the election of another Burgefs in the room of M^r *John Pleasant*, who hath made himselfe incapable of serueing in this Assembly by denieing to take the feuerall Oathes appointed to qualifie him a Burgefs

The house adjourn'd till two a clocke afternoon

Post Meridiem

THE Petition of *W^m Drumond* praying that as heretofore he had faithfully serued the house in the qualitie of a Messinger to y^e same soe he might be new Returned and Continued to execute the same being read in the house was granted and

Ordered that the said *W^m Drumond* do giue his attendance to the house accordingly

M^r *Benjamin Goodridg* sherife of *James City County* haueing informed the house y^t his Ex^{cy} Com^{an}ded him to prouide an officer to attend the house, the same was thereupon taken into Considera^{co}n, and the house conceiueing the same to proceed from his Ex^{cy}s care of the house, not Knowing that the house had already appointed, *W^m Drumond* their

their Messinger and to Attend upon the seruice of the house, thought fit to send an immediate Message to his Ex^{cy} to acquaint him with the usuall proceeding and practices of the house in this affair and render the thanks of the house for the care they perceiued his Ex^{cy} was willing to take of the house by his direction for the sherriff or his officer to attend y^e house constantly and thereupon *Order^d* that Cap^t Leigh Cap^t Ranson Cap^t Lear Cap^t Basset and Cap^t Taylor doe carrie y^e message accordingly

The Petition of *Lazarus Thomas Rich^d Morris Jehu Hix & John Clerke* praying to be receiued as doore keepers to the house being respectiueley read, were all of them granted & each of y^e said persons ordered to giue their attendance accordingly.

Resolved y^t Cap^t W^m Leigh is duely elected one of y^e Burgeesses for *King & Queen* County to serue in this present Session of Assembly

Resolved That Cap^t John Custis & Cap^t W^m Kendall are duely elected Burgeesses for *Northampton* County to serue in this present Session of Assembly.

Mr W^m Leigh with the rest of the member appointed to carry a message to his excellency being returned into the house

Mr Leigh acquainted the house, that they had according to y^e directions of the house deliuered their message to his Ex^{cy} concerning Mr *Benj^a Goodridges* informaçon, and that his Ex^{cy} was pleased to desire the same in writeing from the house that he might consider of it.

Ordered that a written message be prepared for the persons before appointed, to present to his excellency as followeth

May it Please your Excellencie

The house of Burgeesses haueing been informed by Cap^t *Benj^a Goodridge* Sherriue of *James City* County y^t yo^r Ex^{cy} had comāned him to prouide an officer to attend the house the house thereupon takeing the same into Consideraçon doe with thankfullness acknowledge yo^r Excellencys great care therein and do conceiue it was unknown to yo^r Ex^{cy} that the house of Burgeesses the last assembly had appointed Mr W^m *Drumond* their Messinger who officiated in the sd office to the great satisfaction of y^e f^d house the last Assembly and that y^e house of Burgeesses now assembled had *Resolved* & haue continued y^e f^d Mr *Drumond* in the f^d office of Messinger of this house

W^m *Byrd* Esq^r and Chr: *Wormely* Esq^r came into the house and adminstred the Oathes enjoined by act of parliam^t instead of the Oathes of allegiance and Supremacy and the oath of a Burgeess unto

Cap^t Leigh

Cap^t W^m Kendall and

Cap^t John Custis

who feuerally afterwards subscribed the Test as also Mr *Jo^a Strechley* haueing y^e Oathes y^e aforementioned administred unto him.

Resolved that an address be drawn to his Ex^{cy} praying the Continuance of the antient priuiledges & Customs of the house in the election of their Clerke and that Major *Sam^l Swan* Cap^t W^m Leigh Mr *Arthur Spicer* Cap^t *Miles Cary* Mr *Dan^l Parke* Cap^t *John Custis*, Mr *Ranson* & Cap^t *Clements* be appointed a Committee for preparing the same, who are ordered to make inspection into the feuerall Journalls of this house and to take into Consideraçon y^e first occassion of the interruption of that antient priuiledge all along before injoyed by the house in the election of their Clerke and to make report thereof with all Convenient expedition.

The Petition of *Robert Beuerley* praying to be entertained as clerke of a Committee being read was granted by the house and the f^d *Robert Beuerley* ordered to giue his attendance accordingly

The Report of the committee of Elections and priuiledges upon the complaint of Cap^t *Joshua Story* of an undue election of one of the Burgeesses of *King & Queen* County, being read the Consideraçon thereof was Referred till tomorrow morning and

Ordered that all persons Concern'd for or against y^e f^d election by themselves or Councill do then giue their attendance at y^e house for a heareing.

And then the house adjourn'd till tomorrow morning 8 a clocke.

Saturday

Saturday March 4th 1692/3

THE house according to the order of yesterday tooke into Consideration the Report of the Committee of elections & priueledges upon the Complaint of Cap^t *Joshua Story* touching an undue election of one of the Burgeffes of *King & Queen* County and thereupon the f^d *Story* being called into the house & acknowledging his petition, the Sherriffe of the f^d Countie attending at y^e door was also called where both the f^d parties and their Councill were heard about the same and y^e f^d *Story* by his Councill pleading, he had feuerall Evidences ready to proue the sd election an undue Election and y^e the f^d Shërr did not only take y^e poll at the same irregularly and imperfectly but also denied to giue the same when demanded of him, and the f^d Shërr on the other hand saying he was able to justify his Returne by Seuerall witnesses now at hand, the f^d parties & their Councill were feuerally ordered to withdraw and being withdrawn it was *Resolved* and accordingly

Ordered That the Committee of Elections & priueledges to whom were added Major *Swan* Cap^t *Ranfon* and Cap^t *Custis* do immediately goe out and that they take the examination of all such Evidences as shall by the f^d Sherriffe & Cap^t *Story* or either of them be brought before them, the same being sworn first before some one of the hono^rble Councill to whom y^e f^d Committee are to make application if occasion be, or before a Justice of the Peace of this Countie, and upon Consideraçon of the feuerall suggestions of both parties & y^e testimonies offered to report their opinions to the house with all convenient expedition.

The Petition of *W^m Roscow* Complaining of an undue election of one of the Burgeffes for *Warwick* County being read, the said *Roscow* attending at the door of the house was called in where haueing acknowledged the S^d Petition, he withdrew, and it was

Ordered that the Messinger of the house doe giue notice to the Shërr of *Warwicke* Countie to appear before the house on *Tuesday* next afternoon to answer the Complaint of *W^m Roscow* of an undue election made of one of the Burgeffes for *Warwicke* County and returned by him and then the house adjourn'd till 2 a clocke afternoon

Post Meridiem

THE house met and adjourn'd till *Munday* morning ten a clocke

Munday March y^e 6th 1692/3

THE Return upon the Writ for Election of Burgeffes in *Northumberland* County wherein M^r *Rich^d Rogers* and M^r *Rich^d flint* are returned elected being Read y^e same was as to the form thereof approued.

Then the petition Stiled *the Remonstrance of y^e Major part of the freeholders of Northumberland Coun^{ty}* declareing y^e M^r *John Downing* and Cap^t *W^m Jones* were fairly elected Burgeffes for the f^d County was also read and the house being informed, that M^r *W^m Lee* an Inhabitant and freeholder of y^e f^d County attended at y^e door to appeare for the f^d petitioners, the f^d M^r *W^m Lee* was called into the house, where being heard and haueing in the behalfe of the said freeholders signed the sd petition he was ordered to withdraw and being withdrawn

Ordered y^e the f^d petition together with the feuerall Papers relateing to & brought into the house with the same be restored to y^e Consideraçon of the Committee of Elections and Priueledges to report to this house their opinions therein.

Major *Sam^l Swan* from the Committee to whom was referred the drawing of an address to his Excellency for the Continuance of the antient Custome of the house in
the

the election of their Clerke Reportd an addrefs which he read in his place, and then deliuered y^e fame in at y^e table, where being againe read the fame was agreed to by the houle and is as ffolloweth

May it please yo^r Ex^{cy}

Yo^r Ex^{cy} hauing been pleas'd by Comiffion to appoint Cap^t *Peter Beuerley* Clerke of the houle of Burgefles now fitting, we their Maj^{ty} moft Loyall fubjects the Burgefles now affembled, humbly take leaue to lay before yo^r Ex^{cy} that euer fince affemblies haue been held in *Virginia* the Houfe of Burgefles haue alwaies without interruption been permitted and indulged the liberty of Choofeing their Clerke with the allowance and approbacon of the Kings feuerall Gouverno^{rs} & they cannot find y^e upon fuch election by the Burgefles any fuch Clerk fo chofen by them hath been displaced or difallowed by any of the Kings Gouverno^{rs} till the Calleing of an Affembly in y^e yeare 1688 by his then Excellencie the Lord *Howard of Effingham* late Gouverno^r Generall of *Virga* who did by Comiffion under his hand & y^e feal of y^e Colony Conftitute and appoint Cap^t *ffra Page* to be Clerk of the houle of Burgefles upon which feuerall interruptions & impediments did happen in the proceedings of the f^d houle.

Wee therefore moft humbly implore yo^r Ex^{cy} to reftore our antient & former cuftomes in the elections of our owne Clerke.

Ordered that Majo^r *Swan* with 13 more of the members of this houle do prefent the f^d addrefs to his Ex^{cy} which was reported by Majo^r *Swan* to be done accordingly.

Cap^t *Miles Cary* from the Committee to whom was refferred The Confideracon of the petition of Cap^t *Jofhua Story* againft the election of Cap^t *John Lane* one of the Burgefles of *King* and *Queen* County Reported, that according to Order they had Considered the matter of the f^d Election had examined all evidences relating thereto and were come to a refolution which he read in his place and then deliuered the fame in at the table.

Then the petition of Coll *John West* Sherrif of *King* & *Queen* County was alfo read, wherein the fd fh^{err} humbly praying that y^e depofitions of his Witneffes examined before y^e Committee might be read in the houle the houle thought fit to grant the fame & there upon

Ordered that the Refolution of the houle upon y^e Report of the comittee for examination of the election made of Cap^t *John Lane* for one of the Burgefles for *King* & *Queen* County be deferred till the afternoon

and y^e then the fame be taken into confideration *ordered* that all perfons who defire to be heard for or againft the fame giue their attendance accordingly.

and then the houle adjourn'd till four a clock afternoon.

Post Meridiem

ORDERED that Cap^t *Henry Duke* giue the thanks of y^e houle to M^r *Stephen ffauce* for his fermon yefterday preached before the generall Affembly.

W^m Byrd Efqr^r and *Chr: Wormley* Efqr^r two of their Maj^{ty} Councill being thereunto impowered By his Ex^{cy}s Comiffion adminiftred the oathes enjoined by act of Parliament inftead of the oathes of allegiance and Supremacy & the oath of a Burgef unto M^r *Sam^l Sandford* one of y^e members of the houle who afterwards fubfcribed y^e Teft at the table.

The houle then according to the Order of the morning took into Confideracon the Report of y^e Committee for Examination of y^e election made of Cap^t *Joⁿ Lane* in *King* & *Queen* County wherein after the hearing of all evidences produced before and examined by y^e Committee, and after a long debate thereupon the Queftion was put whether the [they] will agree with y^e Report of the Committee *Viz*

That the election of y^e faid Burgefle for *King* & *Queen* Co^{ty} between Cap^t *Lane* and Cap^t *Story*, being made without a regular poll being taken by the fh^{err} is not a fair election and cannot be decided and y^e therefore a new writ for another election be defired.

Refolued. in the affirmatiue

Refolued

Resolved that Cap^t *John Lane* is not duely elected a Burgeſſ to ſerue in this preſent Seſſion of aſſembly for *King & Queen County*

Ordered y^e Cap^t *Cary* & Cap^t *Lyddall* wait upon his Excellency & pray him to iſſue out a new Writ for the election of a Burgeſſ in *King & Queen County* Cap^t *John Lane* being found at preſent to be unduely elected

And then y^e houſe adjourn'd till 8 a clock tomorrow morning.

Tuesday March 7th 1692/3

CAP^t *Miles Cary* from the Committee of elections & priuiledges Reported that according to the Order of yeſterday, the f^d Com^{te} had taken into Conſideraçon the petition of diuers freeholders of *Northumberland County* touching an undue election of M^r *Rich^d Rogers* and M^r *Rich^d flint* return'd by the Sh^{err} of *Northumberland County* to ſerue for Burgeſſes for the f^d County in this Aſſembly and had come to a Reſolution which he read in his place and deliuered the ſame in at y^e table, where the ſame being againe read was agreed to by the houſe

Resolved that M^r *Rodham Kennor* ſherr of *Northumberland County* be ſent for in y^e Cuſtody of the Meſſinger attending this houſe to anſwer the Complaint of M^r *W^m Lee* and diuers other freeholder of y^e ſd County againſt the election of M^r *Rich^d Rogers* and M^r *Rich^d flint* returned by the f^d Sh^{err} as burgeſſes to ſerue in this Aſſembly, on *Tuesday* the 14th inſtant afternoon and y^t the meſſinger of y^e houſe do alſo comãd in the name of y^e houſe the perſons fſollowing Viz M^r *Philip Shapleigh* M^r *Tho. Brereton* M^r *Edu^d ffielding* Henry *ffranklin* and Sam^l *Mahane*, as euidences relating to y^e f^d election then alſo to make their perſonall appearance before the houſe.

Ordered that M^r *W^m Drumond* the Meſſinger attending this houſe to the end he may be nearer to receiue the comands of the houſe on all occaſions haue power to ſend employ & ſubſtitute another perſon or perſons, as ſhall be found neceſſary for the execution of ſuch Remote and far diſtant meſſages, as he himſelfe cannot well be ſpared from the ſerueice of the houſe time enough to perform provided the houſe be firſt of all acquainted with the name of the ſubſtitute for their approbaçon

Then the houſe adjourn'd till 3 a clocke afternoon

Poſt Meridiem

THE houſe being informed that Cap^t *Rich^d Whitaker* Sherr of *Warwicke County* according to y^e Order of *Saturday* morning attended to anſwer the Complaint of M^r *W^m Roſcow* of an undue Election made of Maj^r *Humphry Harwood* for one of the Burgeſſes for *Warwick County* ordered that y^e f^d Sh^{err} and y^e Complainant who attended alſo, be called into the houſe, where both parties & y^e euidence on both ſides being heard & withdrawn, the matter of y^e f^d election was taken into Conſideraçon and after ſome time ſpent therein, it was y^e opinion of the houſe and accordingly

Resolved that Majo^r *Humphry Harwood* is duely elected one of the Burgeſſes to ſerue in this preſent aſſembly for *Warw^h County*, and y^t the f^d Sh^{err} of *Warwick County* hath performed his duety in y^e f^d Return

Ordered that M^r *W^m Roſcow* pay officers fees belonging to this houſe accrewing due upon his complaint

The houſe adjourn'd till 8 a clocke tomorrow morning.

Wednesday March y^e 8th 1692/3

A WRITEN Meſſage from his Ex^{ty} by M^r *Edwards*
By his Excellency

M^r Speaker and Gent of the houſe of Burgeſſes

In anſwer to yo^r addreſs of yeſterday to me in theſe words

Yo^r Excellency haueing been pleas'd by Comiſſion to appoint Cap^t *Peter Beuerley* Clerk of the houſe of Burgeſſes now fitting wee their Maj^{ty} moſt Loyall Subjects y^e Burgeſſes

Burgeffes now affembled humbly take leaue to lay before yo^r Ex^{cy} y^e euer fince A^ssemblies haue been held in *Virg^a* y^e house of Burgeffes haue alwaies without interruption been permitted and indulged y^e liberty of Chooſeing their Clerke with the allowance & approbacon of the Kings feuerall Gouverno^r and they cannot find y^e upon fuch election by y^e Burgeffes any fuch Clerk fo chofen by them hath bee displac'd or difallowed by any of y^e Kings Gouverno^r till y^e calleing an Affembly in y^e year 1688 by his then Ex^{cy} the Lord *Howard of Effingham* late Gouverno^r Generall of *Virg^a* who did by Comiffion under his hand & y^e feal of y^e Colony conſtitute and appoint Cap^t *ffra Page* to be Clerk of the house of Burgeffes upon which feuerall Interruptions & impediments did happen in the proceeding of y^e faid house We therefore moſt humbly implore yo^r Excellency to reſtore our antient and former cuſtomes & uſuages in the Election of our own Clerke By order of the Burgeffes *Tho: Milner* ſpeaker. March 6th 1692/3

At my arriuall in this Gouvernm^t I did as authorifed by their Maj^{ties} Letters pattents under the great feal of *England* by aduife of the Councill confirm all officers in their Reſpectiue places till further Orders and haue ſince giuen a Comiffion to *Peter Beuerley* Gent to be Clerke of the house of Burgeffes, whom I found, Comiffionated by the hono^{ble} *ffra. Nicholſon* Eſq^r their Maj^{ties} L^t Gouverno^r here as authorifed by their Maj^{ties} which before had been done to Cap^t *ffra Page* By his Ex^{cy} the R^t hono^{ble} the Lo^d *Howard of Effingham* Gouvern^r of this place by the like authority with all due regard to their Maj^{ties} Loyall Subjects the house of Burgeffes to vacate which if you ſhall ſhow me any authority I ſhall be ready to doe my further duety accordingly

Virg^a March 7 1692.

E. Andros.

Reſolved that an addreſs be prepared to be preſented to his Ex^{cy} praying his Ex^{cy} will be pleaſed to aſſiſt this house with his Intereſt, when they ſhall make application to their Maj^{ties} for the reſtoration of their antient cuſtom & uſage in the chooſeing of their Clerke for time to come.

Ordered that y^e drawing of y^e ſd addreſs be referred to Majo^r *Swan*, Cap^t *Cary*, Cap^t *Spicer*, Cap^t *Leigh*, and Cap^t *Taylor* and that it be reported with all convenient expedition.

Reſolved and accordingly *Ordered* that it be a Rule of this house that fifteen Members with M^r *Speaker* ſhall be a ſufficient number to adjourn.

The house adjourn'd till two a clocke afternoon

Poſt Meridiem

MAJO^R *Sam^l Swan* from the Com^{tee} to whom the ſame was referred Reported an addreſs to his Ex^{cy} which he read in his place & then deliuered y^e ſame in at y^e table where y^e ſame being read againe after ſome alteracon was agreed to by y^e house being as ffolloweth

May it pleas yo^r Excellency

Your Ex^{cy} haueing upon the addreſs of this house deſireing yo^r Ex^{cy} to reſtore our antient & former cuſtomes & uſuages in y^e election of our owne Clerke ſignified y^e at yo^r arriuall in this Gouvernm^t yo^r Ex^{cy} did as authorifed by their Maj^{ties} Letters Patents under y^e great Seal of *England* by aduice of y^e Councill confirme all officers in their Reſpectiue places till further Orders & haue ſince giuen a Comiffion to *Peter Beuerley* Gent to be Clerke of the house of Burgeffes whom yo^r Ex^{cy} found comiffionated by the hono^{ble} *ffra: Nicholſon* Eſq^r their Maj^{ties} L^t Gouvern^r here as authorifed by their Maj^{ties} which before had been done to Cap^t *ffra. Page* by his Ex^{cy} the R^t Hono^{ble} the Lo^d *Howard of Effingham* Gouvernor of this place by the like authoritie, with all due regard to their Maj^{ties} Loyall Subjects the house of Burgeffes, to vacate which if We ſhould ſhow yo^r Ex^{cy} any authority you ſhould be ready to do accordingly.

To that yo^r Excellencys anſwer we at preſent reply noe further than moſt humbly & earneſtly to moue y^e yo^r Ex^{cy} will be pleaſed to aſſiſt this house with yo^r Intereſt, when

when this house shall make application to their Maj^{ty} for the Restoration of their antient usage & custom in the Chuseing of their Clerke for time to come.

Ordered that Cap^t Ballard Cap^t Taylor Cap^t Wilson Cap^t Battle Cap^t Lyddall & M^r Cant do forthwith deliuer y^e same to his Ex^{ty}

A Committee for Propositiions and Grievances.

Majo^r Sam^l Swan Chairman

Cap^t Jo^m Custis

Cap^t W^m Leigh

Majo^r ffra. Sawyer

Cap^t Ja Ranson

Cap^t Arthur Spicer

M^r Dan^l Parke

Cap^t Jo^m Taylor

M^r W^m Colston

Ordered that M^r Edward Chilton attend the f^d Comittee as their Clerke and that they sitt at M^r Herflet's house.

Ordered that the f^d Comittee haue power to send for persons papers Journalls &c as there shall be occ^{on}

A Comittee for Publique Claimes

Cap^t Miles Cary Chairman

Cap^t W^m Hardidge

Cap^t W^m Basset

Cap^t ffra. Clements

Cap^t Michael Sherman

Cap^t Henry Duke

M^r John Stretcheley

Cap^t John Lyddall

Ordered that M^r Robert Beuerley attend the said Com^{tee} as their Clerke and that they sitt at Cap^t Cary's

Ordered that the f^d Comittee haue power to send for persons bookes of Reports or other papers as occ^{on} shall be

Ordered y^e y^e Com^{tee} of Grievances & propositiions take into their considera^{on} y^e Journalls & other y^e proceedings of y^e last asssembly and make a Report of what they finde necessary to this house.

Ordered that y^e Comittee for Publique Claimes take into their Considera^{on} all such proceedings papers & Reports of the last Asssemblys as relate to the publique Claimes and make Report of what they find necessary to the house.

Ordered that Saturday twelue a clocke being the 11th instant be y^e latest time for receiueing Propositiions and Grievances and y^e y^e same be published by being set up at y^e f^tate house door.

Then the house adjourn'd till 8 a clock to morrow morning.

March 9th 1692/3 Thursday

A MESSAGE from his Ex^{ty} by M^r Edwards in Writeing viz
M^r Speaker and Gen^l of the house of Burgeffes

In yo^r Reply of this day relateing to y^e Clerke I haue Comiissionated for yo^r house, you acquiesce

and in answer to yo^r desire that I would Assist you with my Interest when you shall make applica^{on} to their Maj^{ty} for the Chooseng yo^r Clerke I must say to you it is the unanimous opinion of myselfe and the Councill, that I ought not to join in any such adrefs

Virg^a the 8th of March 1692 .

E. Andros

Ordered that Cap^t Spicer Cap^t Ballard Cap^t Lyddall Cap^t Battle Cap^t W^m Cary & Cap^t Ousley do forthwith wait upon his Ex^{ty} to acquaint him y^t this house haueing now Rec^d an answer from his Ex^{ty} to their last adrefs about the Clerke, they do humbly pray his Ex^{ty} to appoint the hono^{ble} Councill already assign'd to swear their Clerke pursuant to His Comiission, to the end the house may goe on in the busines for which they were called

W^m Byrd Esq^r and Henry Whiting Esq^r two of the hono^{ble} Councill of State being thereunto appointed by his Excellencies Comiission under the Seal of the Colony dated the

the 3^d *March*. 1692/3. came into the house and administred the oathes enjoyned by act of Parliament instead of the oathes of Allegiance and Supremacy and the oath of the Clerke of the house of Burgeffes unto *Peter Beuerley* Clerke of the house y^e Clerkes oath being in these words

You shall fwear as Clerke to the house of Burgeffes of *Virg^a* to which office you are appointed by his Excellencie faithfully justly and uprightly to make true entries & Journalls of all Votes & proceedings of y^e f^d house of Burgeffes as from time to time you shall receive Orders and directions from them you shall keep secret all priuate debates of the f^d house of Burgeffes so far as shall by the said house be found necessary and shall in all things according to your best skill & judgement discharge & execute y^e f^d office & trust as clerk of the house of Burgeffes

So help you God.

And then the f^d *Peter Beuerley* subscribed the Test

Then a motion being made y^t the time assigned for receiueing propositions and Grievances into the house Yesterday might be enlarged, being too short a limitation the house thought fit and accordingly

Ordered that *Munday* y^e 13 instant twelve a clocke be y^e utmost time allowed this Session for bringing in propositions &c to all except such as shall come from the Counties of *Henrico King & Queen* and *Northumberland*.

The Grievances and Propositions of

Surry County

Yorke County

Henrico County

Princes Ann County

Northampton County

New Kent County

Nantzem^d County

Accomacke County & *Stafford* County

were feuerally read & Referred to the Consideraçon of the Comittee of Grievances and Propositions to report their opinions therein

A proposition of Diuers Inhabitants in *Surry* County was read & Comitted to the Consideraçon of the Com^{te} of Grievances and Propositions.

A proposition of Diuers Inhabitants of *Warwick* County was read and Comitted to y^e Consideraçon of the Comittee of Grievances and propositions

A proposition of *John Woodson* and *John Pleasant* was read and referred to the Consideraçon of the Comittee of Grievances and Propositions.

The Proposition of *John Gettings* and *John Badson* was read and referred to the Consideraçon of the Comittee of Grievances and Propositions.

Seuerall propositions subscribed by M^r *Sam^u Sandford* were read and referred to the Consideraçon of the Comittee of Grievances and propositions.

and then the house adjourn'd till 3 a clocke afternoon

Post Meridiem

SEUERALL Claimes were referred to the Comittee of Publ^a Claimes and then the house adjourn'd till tomorrow morning eight a clock.

ffryday *March* 10th 1692/3.

PROPOSITIONS Subscribed by Cap^t *Tho. Ousley* and Cap^t *Martin Scarlet* were read and referred to the Consideraçon of the Comittee of Grievances and propositions

The Petition of *John Pleasant* and *John Woodson* Sen^r referred by his Ex^{co} and Councill to the house read and referred to y^e Consideration of the Comittee of Grievances and Propositions

The

The Propositions and Grievances of *Norfolke* County referred by his Ex^{cy} and the Councill to the Consideration of the house referred to y^e Committee of Grievances and propositions.

The return upon the Writ for Election of a Burgefs for *Henrico* County to Supply y^e Vacancy of M^r *John Pleasant* was read and after some debate thereupon

Resolved that Cap^t W^m *Randolph* is duly elected a Burgefs to serue in this Present assembly for *Henrico* County.

The propositions and Grievances of *Eliz^a City* County being referred by his Excellency and the Councill to the house read and referred to the consideration of the Committee of Grievances and propositions.

The Propositions and Grievances of

Charles City County
Isle of Wight County and
Glostr County

were feuerally read and referred to the Committee of Grievances and propositions.

W^m *Byrd* Esq^r and *Christopher Wormly* Esq^r cane [came] into the house & administred the oathes enjoined by act of Parliam^t instead of the Oathes of Allegiance and Supremacy the Oath of a Burgefs and y^e Test unto Cap^t W^m *Randolph* a member of the house.

Ordered that Cap^t W^m *Randolph* be added to the Committee for Publique Claimes.

Then feuerall Claimes being referred to the Committee of Publique Claimes.

The house adjourn'd till tomorrow morning eight a clocke.

Saturday March 11 1692/3

THE petition of Diuers Inhabitants of y^e lower parish in *Isl of Wight* County referred by his Ex^{cy} & y^e Councill to y^e house, Referred to y^e Consideraçon of y^e Com^{te} of Grievances and propositions

Maj^r *Sam^l Swan* from y^e Com^{te} of Grievances & propositions Reported y^t y^e f^d Com^{te} had made some progress in y^e matters to them referred from y^e house, w^{ch} he read in his place & then deliuered it in at the table, and the same being there again read

Resolved y^t his Ex^{cy} be addressd, y^t he will be pleas'd to communicate to this house in Writeing y^e substance of w^t his Ex^{cy} was pleas'd to deliuer into the Burgeffes before y^e chooſeing of their Speaker.

Ordered y^t Maj^r *Yewell*, M^r *Lear*, M^r *Cant*, M^r *Baker* & M^r *Holliday* & M^r *Sandford* doe in the name of y^e house address his Ex^{cy} accordingly

And the house adjourned till nine a clock *Munday* morning

Munday March 13th 1692/3

A MESSAGE from his Excellency by M^r *Edwards*
M^r *Speaker*

His Ex^{cy} did not expect you would now haue asked a Copy of his Speech, but he desired M^r *Secretary* to send it and I am comanded to deliuer it

I am also comanded to deliuer the Petition of M^r *Heymem* & a copy of her Maj^{ty} letter relateing thereto

With this proposition of y^e attorney Generall and y^e f^d feuerall papers were receiued accordingly. M^r *Rich^d Rogers* & M^r *Richard flint* returned by the sherr of *Northumberland* Burgeffes for y^e f^d County coming into y^e house a debate did thereupon arise, whether the f^d persons ought to be admitted as yet to sitt in the house, upon which they were ordered to withdraw and being withdrawn the Question was put

Whether M^r *Rich^d Rogers* & M^r *Rich^d flint* shall sitt as Burgeffes in this house for *Northumberland* County before y^e matter of y^e Election in y^e f^d County be fully cleared. and it passed in the Negative.

Then

Then his Excellencys Speech was read in y^e house as followeth

Gent

Their Maj^{ties} haueing been pleas'd to comānd my seruice in this Gouernment

I hope from Generall Affemblys all y^t may be & yo^r p^{re}sēt confideraçon of all proper & neccessary to y^e welfare defence & hono^r of this their Maj^{ties} so antient & considerable a Colony w^{ch} will be effectually to do our duties to God their Maj^{ties} & Country.

Their Maj^{ties} are pleased out of their great care for the welfare of their Subjects in this Colony to continue & grant them a free trade wth y^e Indians preferring y^e perticular benefitt of their people before any other aduantage y^t might accrew unto them by restraineing f^d trade of w^{ch} doubt not a due fence & suiteable returnes. Not to delay you from y^e good purposes in yo^r Writs (for this meeting) to which Referre you

You *Gent* of y^e house of Burgeffes are now to returne to yo^r house & make choice of yo^r Speaker

I haue appointed M^r *Peter Beuerley*. to be yo^r Clerk

and I hope all heartily joining in prayers & supplications to Almighty God for y^e Continuance of his Bleffeings & assistance on this occation w^{ch} I haue by aduice of y^e Councill appointed to be obserued a *Sunday* next in this place & a *Sunday* y^e 19th instant in all other places of y^e Gouernment.

A Copy of his Excellencys Speech

Ralph Wormely Secr.

and then Referred to y^e Confideraçon of y^e Comittee of Grieuances and propositions.

The Petition of *Peter Heyman* Gent about y^e Post together with their Maj^{ties} letter to the Gouerno^r relateing thereto referred by his Ex^{cy} and Councill to y^e house of Burgeffes, were seuerally read at y^e table & thereupon referred to y^e Confideraçon of y^e Comittee of Propositions & to report their opinions.

A proposition of *Edu^d Chilton* their Maj^{ties} attorney Gen^l concerning a prison to be built at *James City* being referred by his Ex^{cy} & y^e Councill to y^e house, was read and referred to y^e Com^{tee} of Grieuances & ppositions

The Proposition of Majo^r *Tho. Yewell* & Cap^t *W^m Hardidge* was read & referred to y^e Comittee of Grieuances & propositions

The Petition of M^r *John Battail* on the behalfe of y^e Inhabitants of *Effex* County praying y^e Claimes of y^e f^d County might stand referred to y^e next Affembly for y^t the violence of the weather on y^e day appointed preuented their being proued according to law, was read & thereupon

Ordered that all such Claimes y^t are due from y^e Publique unto y^e Inhabitants of *Effex* County. Which haue so accrewed since y^e last Affembly, stand referred to y^e next Session of Affembly.

and then the house adjourned till two a clock afternoon.

Post Meridiem

THE house adjourn'd till tomorrow morning 8 a clocke

Tuesday March 14th 1692/3.

MAJOR^R *Sam^l Swan* from y^e Comittee of Grieuances & propositions Reported y^t y^e f^d Com^{tee} had taken into Confideraçon seuerall matters to them refferred & had agreed upon diuers Resolutions, w^{ch} they had directed him to report, & accordingly he read the same in his place & then deliuered them in at y^e table, where being again read, the house took seuerall of y^e f^d reports into Confideraçon & thereupon resolued as ffolloweth

As to the Report of y^e f^d Comittee upon that part of his Ex^{cy}s speech relateing to the defence of the Country, the house agreed thereto and thereupon

Resolved y^t the first act of y^e last Session of Affembly Entituled *an act for the better defence of the Country* be continued one year after the expiration of the said Act

Ordered

Ordered y^e y^e Com^{te} of Grievances & Propositions do prepare & bring in a bill accordingly

As to that part of his Exc^{ty} Speech relateing to a free trad with Indians y^e house agreed to y^e Report of y^e Com^{te} and accordingly

Resolved y^t an addrefs be made to his Exc^{ty} y^t he would be pleas'd to communicate to this house their Maj^{ty} Instructions relateing to the Continuance of a free Trade with Indians for the better inableing of y^e house to make a fuitable return.

Ordered, y^t the f^d addrefs be prepared by y^e Clerk to be presented to the house in the afternoon.

Then the Report of y^e f^d Com^{te} touching y^e reward & encouragem^t giuen for Killing of Wolues was taken into Consideration & agreed to by the house y^t the act made the last Asssembly relateing to the same had well provided

To the Report of the said Committee concerning the act for Ports y^t its their opinion y^e f^d act with its now present circumstances is a generall Grievance and propofeing a Suspension of y^e same the house agreed with some addition and thereupon

Resolved that the execution of the act for Ports be suspended till their Maj^{ty} pleasure shall be known therein or till y^e next Asssembly

Ordered y^t the Committee of Grievances & propositions prepare & bring in a bill accordingly

To the Report of the f^d Committee upon a proposition to haue y^e 13 act of Asssembly made 1691 enjoyning the planting and dressing of flax & Hemp, repealed, the house did agree and concurre with the Councill y^t the said act as now it stands is a good and necessary law.

To the Report of the f^d Committee upon a proposition for the Repealing the 12 act of Asssembly, declareing the duety of Tanners Curriers and Shoemaker's, the house did agree & Concurre wth the Com^{te} y^t y^e f^d law Conduces to y^e interest of y^e Countrey.

To the Report of y^e f^d Committee a proposition for repealing y^e 17 act of y^e f^d asssembly 1691 Entituled *an act for lessening y^e levy by y^e Poll and laying an Imposition upon Liquors* the house did agree & concurre with y^e Councill for continuance of the same as it is now till the expiration thereof.

To the Report of y^e f^d Committee about Reuiseall of the laws the house agreed and

Resolved that an addrefs be made by the house to his Exc^{ty} for a Reuiseall of the whole body of the lawes of this Countrey & y^t to y^e end his Exc^{ty} will be pleas'd to appoint some of the hono^{ble} Councill to join with such persons as this house shall nominate to reuise the same.

Resolved y^t upon his Excellencys nomination & appointm^t of Some of the hono^{ble} Councill to join in the Reuiseall of the lawes, this house will proceed to appoint select person's to join with them & also take into Consideration such Rules & directions about the time & place as shall be necessary to be set for the doing finishing & Reporting of y^e Same.

Ordered y^t y^e Com^{te} of Grievances & propositions prepare an addrefs for reuiseall of y^e lawes to his Excellency, according to y^e resolu^e of the house about the same.

and then the house adjourn'd till 2 a clock afternoon.

Post Meridiem

ORDERED that y^e Order made on *Tuesday* the 7th instant for M^r Rodham Kennor Sherr of Northumberland County to appear before this house this afternoon be enlarged & y^t y^e matter of y^e Election of Burgeffes in the f^d County be referred till tomorrow afternoon.

Then according to y^e order of the morning an addrefs to his Exc^{ty} was presented to the house ready drawn up as followeth

May it please your Excellency

The house of Burgeffes haueing under their Consideration yo^r Exc^{ty}s Speech made at the opening of this Asssembly as to y^e part relateing to y^e defence of the Country haue Resolved, y^t a bill be prepared for the Continuance of the act made the last Session
Entituled

Entituled *an act for the better defence of y^e Country* one year longer then is provided for by y^e f^d act and then took into Consideraⁿ y^t part of yo^r Exc^y^s Speech, where your Exc^y^s was pleas'd to instance their Maj^{ty} great care of y^e welfare of their Subjects so far as to preferre their perticular benefitt, before any other aduantage, in that their Maj^{ty} haue been pleas'd to grant and continue a free trade with Indans

This house therefore being desirous to expresse their due sence of and make a fuitable return for their Maj^{ty} Grace & fauo^r in y^t affair doe most humbly apply themselues to yo^r Exc^y^s y^t you would please to communicate to this house such part of their Maj^{ty} Instructions as haue Relation to a free trade with Indians to y^e end they may be thereby y^e better inabled to perform their dueties accordingly.

Ordered y^t y^e Clerk of y^e house fairly transcribe y^e f^d addresse & y^t Cōll *Mason Cap^t Taylor Cap^t Scarlet Cap^t Ousley Cap^t Hardidge* and Cap^t *Battaile* present y^e same to his Excellencie.

Then the house took into Consideration diuers matters Reported this morning by the Committee of Propositions and Grievances and upon Consideraⁿ of the Report of the f^d Committee concerning a motion of the Burgeesses of *Princes Ann* County for y^e inlarging of the bounds of y^e f^d Countie within y^e bounds of *Norfolk Cou^{ty}*

Resolved y^t y^e bounds of the f^d two Counties be Continued as already established by the act of Assembly made at *James City* the 16th of *Aprill* 1691 Entituled *an act for deuideing Lower Norfolk County*.

Vpon Consideraⁿ of the Report of the f^d Committee Concerning Ordinary Keepers refusing to giue Credit & sell according to law, the same was agreed to by the house & thereupon

Resolved that y^e 10th act of Assembly made *Anno. 1676-7* Entituled *an act regulateing Ordinarys & y^e prices of Liquors* doth sufficiently prouide against & punish abuses complained of & offered by Ordinary Keepers

Vpon consideration of the Report of the f^d Committee concerning y^e proposition of *Accomack* County for the Continueance of their Court house, where now it is complaineing y^t y^e same is endeavoured to be remoued.

Resolved y^t y^e Court house for *Accomack* County ought to be continued, held & kept at *freemans* plantaⁿ now in the possession of *John Cole*, called *Matomkin*, as formerly it hath been accustomed untill a legal determination to y^e Contrary.

Vpon the consideration of y^e Report of y^e f^d Com^{te} upon y^e xpositions from seuerall Counties on the South side *James Riuer* moueing y^t y^e restraint of seating beyond y^e black watter may be a law be taken of & liberty giuen to seat there as in other places.

Resolved y^t a bill be prepared giueing liberty for seating any part of y^e lands upon y^e south side *James Riuer* unto y^e bounds of *Carolina*.

Ordered y^t y^e Com^{te} of Gri^u^s & Propo^s prepare & bring in a bill accordingly

Vpon consideraⁿ of y^e Report of y^e f^d Com^{te} p^oposing y^t y^e penalty of 10000^l tobacco imposed by y^e 7th act of Assembly made *anno. 1686* upon such as shall plant or replant tob^a after the last day of *June* annually might be reduced 1000^l tob^a in casque with costs to be paid by euery Master or Ouerseer of a family for euery Tytheable in his family when such offence shall be committed, the same was agreed to by the house and

Resolved y^t a bill be prepared accordingly and Ordered y^t y^e Com^{te} of Grievances and propositions do y^e same & Report it to y^e house

Vpon Consideraⁿ of the Report of y^e f^d Com^{te} concerning y^e aduancem^t of pieces of eight Rix dollars *ffrench* Crowns &c to six shillings and other lesser pieces proportionably y^e same was agreed to by y^e house and

Resolved y^t a bill be prepared accordingly and ordered y^t y^e Com^{te} of Grievances and propositions do the same.

And then the house adjourned to 8 a clocke to morrow morning.

Wednesday

Wednesday March 15th 1692/3

THE house met and adjourned till two a clock afternoon

Post Meridiem

THE Proposition of diuers Inhabitants of *King & Queen* County concerning Rangers Referred from his Ex^{cy} & the Councill to y^e Consideraçon of the house was read & y^e house being of opinion y^t y^e bill already resolued upon, for the defence of the Country doth sufficiently prouide for y^e same was therefore ejected.

Majo^r Sam^l Swan from y^e Com^{te} of Grievances & propositions Reported y^t y^e f^d Com^{te} according to y^e order of yesterday had prepared an addres to his Ex^{cy} for y^e Reuiseall of the Lawes, which he read in his place & then deliuered the same in at y^e table where being again read with some addition and amendm^t was agreed to as ffolloweth

*To his Ex^{cy} S^r Edm^d Andros K^t their Maj^{ties} L^t and Gouverno^r Generall of Virginia
May it please yo^r Ex^{cy}*

The house of Burgeses takeing into their serious Consideraçon y^e great inconveniences y^t attend this Governm^t in y^e administraction of Justice by reason of y^e multiplicity & incertainty of the laws thereof, and y^e great utility & aduantage, w^{ch} a Reuiseall & digest of the same will produce for thereby Justice may be y^e better dispenced, doe therefore humbly pray yo^r Ex^{cy} y^t y^e whole body of y^e lawes of this Colony may be reuised & methodically digested which if yo^r Ex^{cy} & the Hono^r^{ble} Councill shall be pleas^d to concede to y^t then yo^r Ex^{cy} will be further pleas^d to appoint some of the hono^r^{ble} Councill to join with such members as this house shall appoint, to consult of & agree upon such methods as to time place & other Requisites of haueing y^e same done, as shall be found most fitt & convenient for y^e performance of such a worke.

Propositions on y^e behalfe of y^e Inhabitants of *King & Queen* Co^{ty} presented to y^e house by M^r W^m Leigh one of y^e Burgeses thereof were read and referred to the Committee of Grievances & P^{ro}positions.

Ordered y^t y^e matter of the Election in *Northumberland* County stand referred till the further order of y^e house about y^e same.

And then y^e house adjourned till 8 a clock to morrow morning

Thursday March 16th 1692/3

THE Petition of L^t David Strahan of *Stafford* County & the Rangers under his Comand for a moneths pay referred by his Ex^{cy} & Councill to y^e Consideraçon of y^e house read and Referred to y^e Committee of Publique Claimes.

Ordered y^t M^r Parke, Cap^t Taylor & Cap^t Baffett do forthwith wait upon his Ex^{cy} to acquaint him that the house have agreed upon an addres to be presented to his Ex^{cy} concerning y^e Reuiseall of the bodie of the laws of this Country & desire his Ex^{cy} to appoint a time when the house shall wait upon him with it.

Then y^e house took into Consideraçon diuers Reports of y^e Committee of Grievances & Propositions brought into y^e house *Tuesday* last.

Vpon Consideraçon of the Report of the Committee upon a proposition of *Accomack* County for a law to Restraine *English* & Indians killing Deer from y^e first of *ffebuary* to y^e last of *June* annually y^e same was agreed to by the house y^t such a law would be detrimentall to the Country.

Ordered y^t the f^d proposition be rejected.

Vpon Consideraçon of y^e Report of the f^d Committee for a fee to be ascertained by law for Collecto^r for a permitt &c after some debate thereupon.

Resolued

Resolved y^e one shilling be y^e established fee for a Collecto^r to demand for a permitt let pass or coasting Cocquet & y^e a bill be prepared by y^e Com^{te} of Grievances & propositions accordingly.

Then M^r *Dan^l Park* &c being returned, acquainted y^e house, if [that] according to order they had waited upon his Ex^{cy} & deliuered their Message.

and y^e his Ex^{cy} was pleased to answer.

There is now a full Councill and y^e house may come as soon as they please.

Then immediatly M^r *Speaker* & the house went to attend his Ex^{cy} with the adrefs.

and being returned M^r *Speaker* acquainted the house, y^t he had deliuered the f^d adrefs, which his Ex^{cy} Rec^d with great Cheerfulness and was pleas'd to exp^ress his satisfaction, y^t y^e house had taken into Consideracon so good a worke, which he had before intimated to y^e Councill, and was Likewise under their Consideracon

Then the house proceeded in y^e Consideracon of y^e Reports of y^e Com^{te} of Grievances & propositions and

Upon consideracon of y^e Report of y^e f^d Committee upon a Proposition of *Surry* County, y^t for a better support of the ministry their Maj^{ties} be supplicated for part of their quit rents y^e same was agreed to by the house *Viz*

That being at y^e last Gen^l assembly their Maj^{ties} were adressed to appropriate part of their Quit rents to the use of y^e Colledge intended to be erected within this Gouvernm^t y^e f^d Proposition ought therefore to be rejected

Vpon Consideracon of y^e Report of y^e f^d Committee y^t all Collecto^{rs} be enjoyned constantly to attend their offices either by themselves or deputies y^e same was agreed to by the house and

Resolved y^t y^e Com^{te} of Grievances & Propositions to whom y^e drawing y^e bill for ascertaining y^e Collecto^{rs} fee for a permit &c is referred inserte a Clause to that purpose in y^e said bill.

Vpon Consideracon of y^e Report of y^e f^d Com^{te} in relation to y^e Complaint from *Stafford* County of great abuses Comitted by *Maryland* & other strang Indians in beateing some Tomahawking others & carrying away prisoners, with diuers other spoiles & damages to many.

Resolved y^t a Conference be desired with y^e hono^rble Councill to Consult of y^e best waies and meanes for y^e preuention of y^e like practices and abuses being Comitted either by y^e *Maryland* or other forreign Indians for y^e time to come.

Vpon Consideracon of the Report of y^e f^d Com^{te} upon a proposition for no persons to be admitted to goe out to trade, but y^t Certain times and places be set in euery County for Indians to bring in & dispose of their trucke, y^e same was agreed to by y^e house who concurred wth y^e Comitee, That y^e 9th act of Assembly made *anno*. 1691. Entituled *an act for a free a Trade with Indians* doth sufficiently provide their in, and therefore

Ordered y^t y^e f^d proposition be rejected

Vpon Consideracon of y^e Report of y^e f^d Com^{te} concerning perticular markes to be assign'd for euery Respective Town or Nation of Indians to be put upon their hogs, for preuention of hog stealing after some debate

Resolved y^t a bill be prepared prohibiting any *English* Person whatsoever to trade deal with or receiue from any Indian whatsoever any pork unless he be able to proue such Pork to be of y^e proper mark belonging to y^e Town of Indians where he buyes it under y^e penalty of 1000^l tob^a and for as much as the 6th act of Assembly made in 1674 Entituled *an act Comanding such Indians who keep hogs to marke the same*, requires each Indian Town to giue such perticular marke to their hogs as shall be appointed by the nearest adjacent County Court, and y^t it seems disputable what Countie Court shall assign the marke to y^e *Weyonoakes* & *Notoway* Indians therefore

Ordered y^t a clause be inserted in y^e f^d bill appointing & authoriseing *Surry* County Court to assign a particular mark for hogs belonging to y^e f^d *Notoway* & *Weyonoake* Nation.

Ordered y^t the prepareing & Reporting of y^e f^d bill be referred to the Burgeesses of *Henrico* *Charles City* & *Surry* Counties.

Vpon

Vpon Consideraçon of y^e Report of y^e f^d Committee concerning a proposition from *New Kent* Countie y^t y^e Clerke of y^t Countie Court may be enjoyned to keep his office at or near the Court house being y^e midle of the Countie, the same was agreed to by y^e house.

Ordered that the said proposition be rejected.

Vpon Consideraçon of y^e Report of y^e f^d Com^{te} concerning a proposition for Constables to be paid for serueing of Warrants by those to whom the warrants are granted y^e same was agreed to by y^e house.

Ordered that y^e said proposition be rejected

And then the house adjourn'd till 3 a clock afternoon

Post Meridiem

MAJOR^R *Sam^{ll} Swan* from y^e Com^{te} of grieuances & propositions Reported y^t pursuant to y^e order of the house the said Committee had Prepared these following bills

A bill for Continueing y^e act for y^e better defence of the Country

A bill for the suspension of y^e act for Ports &c till their Maj^{ties} pleasure shall be known therein or till y^e next assembly.

A bill for Repealing a Clause in y^e 7th act of assembly made *anno* 1686 & inserteing a Clause therein.

Then a bill for Continueing y^e act for y^e better defence of y^e Country was read the first time And Resolued to be read a second time

A bill for suspension of y^e act for Ports &c till their Maj^{ties} pleasure shall be known therein or till y^e next assembly was read the first time.

Resolued that the f^d bill be read a second time.

A bill for Repealing a clause in the 7th act of assembly made *anno*. 1686. and inserteing a clause therein read the first time.

Resolued that the said bill be read a second time.

And then y^e house adjourn'd till 8 a clocke tomorrow morning.

ffryday March 17th 1692/3

AMOTION being made by M^r *fra. Clements* for leaue to goe out of Towne in the afternoon about his extraordinary busines leaue was giuen accordingly

Ordered y^t he giues his attendance in y^e house *Munday* morning ten a clocke.

Major^R *Sam^{ll} Swan* from y^e Com^{te} of Grieuances & propositions Reported y^t y^e f^d Com^{te} had taken into Consideraçon diuers matters to them referred & therein come to feuerall resolutions w^{ch} they had directed him to report w^{ch} he read in his place & then deliuered them in at y^e table.

A Message from his Excellency by M^r *Edwards*

M^r *Speaker*

I am comanded by his Ex^{cy} to return you y^e answers to the addressees presented to him from your house

and then he deliuered the said answers in writeing to M^r *Speaker* which were Read as ffolloweth

By his Ex^{cy}

M^r *Speaker and Gent of the house of Burgeffes*

Haueing rec^d yo^r addrefs relateing to y^e free trade with y^e Indians haue adiufied with ye Councill & cannot exprefs their Maj^{ties} pleasure more fully then y^t their Ma^{ties} are pleas'd of their great care for y^e welfare of their Subjects in this Colony. to continue them

a free trade with the Indians preferreing y^e particular benefit of their people before any other aduantage that might accrew unto them by restraining said Trade

and therefore doubt not a due fence and futeable return for the better support of the Gouernment from their Maj^{ty} Loyall Subjects the house of Burgeffes.

March 16th 1692/3

E Andros

By his Excellency

M^r Speaker and Gent of
the house of Burgeffes

In reading your addrefs for the reuifeall of the lawes It is mine and the Councill Vnanimous opinion that so good a worke (being that which I haue since my ariuell intamated to the Councill and was likewise under their Confideraçon) should as soon as conveniently, be effected, And in order thereto four of the Councill will meet as desired; such of yo^r members as you ihall appoint to Confer about y^e most proper methods for the performance thereof at three of clocke tomorrow in the afternoon in y^e lower room of M^r George Marables Briethouse

March 16 1692/3

E Andros

Ordered y^t Majo^r Swan, Cap^t John Custis Cap^t Arthur Spicer M^r Dan^l Parke, Cap^t W^m Leigh Cap^t W^m Randolph, Cap^t Miles Cary Cap^t Taylor and M^r W^m Colston attend the hono^{ble} Councill according to y^e Directions of his Excellencie's answer now receiued to the addrefs of this house about Reuifeall of the lawes & be empowered to Conferr accordingly

Then the house *Resolved* and accordingly *Ordered* that the following message be sent to his Excellency.

May it please yo^r Ex^{ty}

The house of Burgeffes haueing Rec^d your Excellencies benign answer to their addrefs about the reuifeall of the lawes haue appointed nine of their members to meet and Conferr with such of the hono^{ble} Councill as are appointed at the time and place nominated by your Excellency

Ordered that Cap^t Kendall, Cap^t Battail, Cap^t Wilfon & Cap^t Armistead carry the Same.

Then the Reports of the Committee of Grievances & propositions were taken into Consideration and

Vpon Consideraçon of y^e Reports of the said Committee concerning a proposition of *Eliz^a City* County for a fine to be imposed on Ordinary Keepers, or others retaileing Liquors, who shall giue entertainm^t to seamen after eight a clocke at night, the same was agreed to by the house y^t y^e same is sufficiently provided for by law.

Vpon Consideraçon of the Report of the said Committee upon a proposition that no Justice of the Peace may be compelled to ride as a Trooper or serue as a priuate Centinell.

Resolved that it is the oppinion of the house that euery Justice of the Peace for as much as he is injoynd to act in y^t station and attend the County Court without any gratuity or reward, when he is no officer of the Militia ought to be exempted from his personall attendance at Mufters.

Ordered y^t addrefs be made to his Ex^{ty} that he will please to giue order accordingly, if he so think fitt.

Vpon Consideraçon of the Report of the said Committee upon a proposition from *Henrico* County wherein it is desired that all persons may be prohibited from entetainment of all Indians whatsoever not tributary &c & of all such without first obtaineing Lycence for the same, the same was agreed to by the house who concurre with the Committee y^t y^e same is all ready effectually provided for by law.

Vpon Consideraçon of the Report of y^e 1st Com^{tee} upon a Proposition from *Northampton* Countie, wherein it is desired y^t y^e Inhabitants of y^t County may have liberty to transport any Commodities of the production of their Co^{ty} to any part of *Virg^a* without takeing a permitt.

Resolved y^t the 1st proposition be rejected

Vpon

Vpon Consideraçon of y^e Report of the f^d Com^{te} upon a proposition for y^e Prohibiting any Person wthsoever from pleading in any Court as an attorney at law but such as shall first obtaine y^e approbation of y^e Justices of the peace where he practises & shall take the oath of an attorney & for ascertaining a moderate fee to be allowed in y^e bills of Costs the same was agreed to by the house, who concurre with the Com^{te} that y^e same is inconvenient.

Ordered that the said proposition be rejected.

Vpon Consideraçon of the Report of the f^d Com^{te} upō a proposition for another Size of tobacco hh viz. 43 in the length & thirty miles [inches] Wide in the head.

Resolved that the law already made about y^e Size of tob^a hogheads stand as now it is without atteration.

Vpon Consideraçon of the Report of y^e f^d Com^{te} upon a propofall from severall of Yorke County y^t y^e Court day for y^t County might be altered vpon a debate thereof

Resolved that the f^d proposition be rejected.

Resolved that a bill be prepared directing that when y^e first day of the Gen^l Court shall happen to be upon a *Saturday* in lieu thereof the *Munday* following be held & called the first day, before which the Gen^l Court shall not begin, and y^t if it so happen y^t *Easter* Eve or any of the *Easter* hollidays shall be y^e first day of a generall Court y^t then the said Gen^l Court shall not begin till *Wednesday* in *Easter* weeke, and y^t when a County Court day shall fall out on a *Saturday*, the Court be held on the *Munday* following.

Ordered that the Committee of Grievances & propositions prepare and bring in a bill accordingly then the house proceeded and

Vpon Consideraçon of the Report of the said Com^{te} upon a proposition that a more severe method might be prescribed to prevent y^e meeting of Negros.

the same was agreed to by the house who concurre with the committee that the same is by law already sufficiently provided for

Vpon Consideraçon of the Report of the f^d Com^{te} concerning a proposition for encouragement to be given for killing of Crowes

the same was agreed to by the house who concurre with y^e Com^{te} y^t every mans Interest will induce him to kill what Crowes he can

Ordered that the said proposition be rejected.

Vpon consideration of the Report of the f^d Com^{te} upon a proposition for a law to be made directing that no Corne be henceforward planted, unless inclosed within a lawfull fence under a penaltie

the same was agreed to by the house who concurre with the Committee that y^e law doth already sufficiently provide in y^t case

Ordered y^t the said proposition be rejected

Vpon Consideration of the Report of the said Committee upon the Complaint of *Thomas Gettenig* and *John Badson* that severall keep seven or eight horses who have scarce pastorage for one and freemen who have no patorage yet keep horses.

The same was agreed to by the house who concurre with the Com^{te} that since noe mans ground is inclosed a Restraint would bring Inconveniences.

Ordered that the said Proposition be rejected

Vpon Reading of the Report of the said Committee upon the proposition of Cap^t *Ousley* and Cap^t *Scarlett* y^t there may be 20 Rangers appointed for the head of *Potomack* Riuer the same runing farthest into the mountaines

the house agreed to the f^d Report that the rangers already appointed are sufficient and therefore

Ordered that the said proposition be rejected.

Vpon Consideration of the report of the f^d Committee concerning the proposition of the lower parish of *Isle of Wight* County, y^t *Newport* might be established a Port & enjoy priueledges accordingly.

the same was agreed to by the house who concurre with the Committee that the said proposition is already sufficiently answer'd by their former proceeding touching the act for Ports.

Vpon

Vpon Consideraçon of the report of y^e f^d Com^{te} concerning the proposition for liberty to plant at any time from *Stafford Countie*

Ordered that liberty be giuen to speake to the said Proposition when the bill for alteration of the penalty imposed on such as plant after y^e last of *June* is read y^e 2^d time and then the house adjourned till four a clock afternoon

Post Meridiem

MAJ *Sam^{ll} Swan* from the Conference with y^e Councill Reported y^t according to the Order of the morning they had met the Councill, with whom haueing made some progress in the managem^t of the Conference according to the diretions of the house the Councill moued y^t the further proceedings might be referred till tomorrow morning nine a clocke

Ordered that *Maj^r Swan* & y^e rest of the managers of the f^d Conference giue their attendance tomorrow accordingly.

Then the house proceeded in y^e Consideraçon of Diuers Reports of y^e Com^{te} of Grievances and propositions left undone in the morning

And upon Consideraçon of the Report of the f^d Committee upon a proposition from *Stafford Countie* that none may be suffered in that County to trade truck or sell any manner of armes amunition or Liquors to *Maryland* or strang Indians

the same was agreed to by the house who concurre with the Committee y^t the said proposition is Contrary to the act entituled *an act for free trade with Indians*.

Ordered that the said proposition be rejected.

Vpon Consideration of the Report of the f^d Com^{te} upon a proposition from *Isle of Wight Countie* y^t a law may be made for erecting fulling Mills and the like encouragement giuen for it as for Grift Mills.

Resolved y^t a bill be prepared by the Clerk of the house declareing that y^e 3^d act of Assembly 1667 Entituled *an act for encouragement for erecting of mills* shall be extended & taken to giue y^e encouragement therein mentioned to builders of fulling Mills as well as Grift Mills

Ordered that a Clause be inserted in the said bill that where seuer^{ll} Mills shall happen to be set upon the selfe same stream, the owner or keeper of the upermost Mill shall be obliged to giue notice to the Mill next below him and soe successively from Mill to Mill notice shall be giuen by y^e owner or keeper of the Mill next aboue to the keeper of the mill next below, before the watter be let goe from the upermost Dam, or else each to be lyable to an action at law for such damages as shall be found by a Jurie to be sustained by y^e party next below him for want of such notice

upon consideraçon of y^e Report of y^e f^d Com^{te} upon y^e pet^{ition} of *Peter Heyman Gent* concerning a Post office

The house agreed with the Committee

That the Erecting a Post office in this their Maj^s Dominion may be for their Maj^s seruice and the utility and conveniency of their Maj^s Subjects here Ihabitants and are contented & will agree to pay & allow proportionably for the Carriage and deliury of Letters such rates as are expresseed and established by act of Parliam^t made in the 12 yeare of King *Charles* the second and thereupon

Ordered that *Cap^t Arthur Spicer* and *M^r Dan^{ll} Parke* acquaint the f^d *Peter Heyman* with the same and also discourse him about and receiue from him his p^{ro}posalls relateing thereto and report their proceedings to the house

Vpon the motion of *M^r John Cant* for leaue to go home upon Extraordinary business leaue was giuen him accordingly till *Munday* next at night.

The house being informed that the messinger sent for the Shērr of *Northumberland* County, attended at the door with y^e said Shērr, the messinger was called in and ordered to bring before the house the f^d Shērr & to giue notice to *M^r W^m Lee* and his euidence to attend,

attend, who being feuerally called in the said shērr humbly moued the house to haue the matter exhibited against him referred till tomorrow morning, whereupon the feuerall parties being ordered to withdraw the house thought fitt and accordingly.

Ordered that the Consideraçon of the matter of the election in *Northumberland* Countie be referred till tomorrow morning ten a clocke.

Vpon the motion of Cap^t *W^m Baffett* for leaue to goe to his owne house upon his extraordinary occation leaue was giuen accordingly.

Ordered that he giue his attendance again at at y^e house *Munday* morning ten a clocke

Then upon Consideraçon of the Report of the Committee of Grievances &c relateing to a proposition of Cap^t *W^m Leigh* on the behalfe of y^e Inhabitants of *King & Queen* County that Liberty might be giuen to take up and patent land not yet granted in *Pamunkey necke*

the same was agreed to by the house and

Resolved that the Committee to whom the preparing of a bill giueing Liberty for feating any part of the land on the fouth side *James Riuer* &c is referred, insert a clause to that purpose in the said bill.

Vpon Consideraçon of the Report of the said Committee upon a proposition from *Surry* County, wherein it is desired, that such other clauses may be added to the 72 act of Assembly for confirmation of titles of Lands after 5 yeares quiet possession on as shall be thought fitt to make the same more effectuell

Ordered that the said Proposition be giuen as an Instruction to those who shall hereafter be appointed to reuise the lawes of the Countrey.

And then the house adjourned till 8 a clock tomorrow morning.

Saturday March 18th 1692/3

CAP^t *Arthur Spicer* and M^r *Dan^l Parke* reported that according to the order of yesterday, they had acquainted M^r *Heyman* with the proceedings of the house relateing to the erecting of a Post office and had discours'd him about his *Þ*po-falls for the same whereof haueing giuen a full acco^t It was thereupon

Resolved that for the encouragement of so usefull a designe as the erecting and establishing a Post office in his Government it is necessary a larger allowance be giuen for the carriage and deliury of Letters then is provided and exprefs'd in the act of Parliament made in the 12 year of King *Charles* the 2^d and

Ordered that the Committee of Grievances and propositions take into Consideraçon the state of the thing, and y^e haueing regard to the distance convenience and inconvenience of Carriage from place to place in this Countrey, they draw up and proportion a suiteable allowance for the same to present to the house

Majo^r *Sam^l Swan* from the Conference with the Councill about Reuiseall of the lawes haueing reported that at the f^d conference their Hono^{rs} were pleas'd to exprefs they could not agree y^e any of the Councill should sit as a joint Committee with the Burgeses but that instead thereof if the house should think fit to nominate a Committee or their own members to proceed hereafter in the Reuifall of the lawes of this Country such of them as his Ex^{ty} shall be pleas'd to appoint, will upon application made be ready to giue their assistance in that affair, and be and continue at *James City* with them at such time and times as shall be thought most proper for it, which they left to the house of Burgeses to appoint

Ordered that the further consideration of the matter concerning the Reuifall of the lawes be referred till *Munday* afternoon

Majo^r *Sam^l Swan* from the Committee of Grievances & *Þ*positions Reported that the said Committee had directed him to report to the house their Resolution upon the petition of *John Pleasant* and *John Woodson* and other *Quakers*, which he read in his place and then deliuered it in at the table.

Ordered that the said Report lye upon the table

The petition of M^r *John Battail* and M^r *Edw^d Thomas* on behalfe of the Inhabitants of *Effex* Countie y^t the day appointed for holding Courts in that County might be altered by law to the 20th of the moneth was read and thereupon.

Ordered that the Committee to whom the drawing the bill for directing the first day of the Gen^l Court &c is referred, insert a clause in the said bill to that purpose.

Then according to the order of yesterday the matter of the Election of Burgesses in *Northumberland* County was taken into Consideration, whereupon M^r *Rodham Kennor* sh^{err} of the f^d County and Cap^t *W^m Lee* who appeared in behalfe of the Major part of the freeholders of the f^d County to prosecute the Complaint exhibited by them against the said sherr for an undue election were called into the house, where both parties being heard, and all Evidences relating thereto having delivered their Testimony upon oath they were ordered to withdraw and being withdrawn after a long debate the house Resolved as followeth

Resolved that M^r *Rich^d Rogers* is not duly elected a Burgess to serve in this present Assembly for *Northumberland* Countie

Resolved that M^r *Rich^d flint* is not duly elected a Burgess to serve in this present Assembly for *Northumberland* County.

Resolved y^t M^r *John Downing* is duly elected a Burgess to serve in this assembly for *Northumberland* County.

Resolved, that Cap^t *W^m Jones* is duly elected a Burgess to serve in this assembly for *Northumberland* County

Then the sh^{err} of the said County of *Northumberland* being called in, amended the return for the said Countie by razeing out y^e names of M^r *Rich^d Rogers* and M^r *Rich^d Rint* and inserting the names of M^r *John Downing* and Cap^t *W^m Jones*

Ordered that the f^d sherr be discharged out of Custody paying in his fees.

The Writ for Election of a Burgess in *King & Queen* Countie, being brought into the house, the Return thereupon was read which signifying y^t by reason of the death of the sherriff of that County, before the day appointed for choosing of a Burgess no election was made

Ordered that Cap^t *Cary* Cap^t *Lear* and Cap^t *Wilson* do forthwith wait upon his Ex^{cy} and pray him to issue out a new writ for the election of a Burgess in *King & Queen* Countie.

And then the house adjourned till *Munday* morning ten a clocke.

Munday March 20th 1692/3

THE house adjourned till 3 a clocke afternoon

Post Meridiem.

CAP^t *Miles Cary* from the Committee of Publique Claimes Reported that the said Committee had directed him to report two Resolutions, which he read in his place and being Rec^d was laid upon the table

M^r *John Custis* from the Committee of Grievances and propositions reported that the f^d Committee had prepared two bills, which he delivered in and was laid upon the table.

Cap^t *W^m Randolph* from the Committee appointed to prepare the same delivered in a bill for the marking Indians hogs which was laid upon the table

The Clerke then presented to the house a bill for Incouragem^t to erect fulling mills which was read and laid upon y^e table

Ordered that the house be called over tomorrow ten a clocke and whosoever shall be then absent without lawfull impediment shall be liable to the censure of the house.

Ordered

Ordered that Cap^t *Randolph* Cap^t *fieild* Cap^t *Scarlet* and Cap^t *Ousley* Cap^t *Sandford* Cap^t *Lear* Cap^t *Ballard* and Cap^t *Clements* desire a Conference with the hono^r^{ble} Councill to confult of the best waies and meanes for the preuention of diuers great abufes Com-
plained of from *Stafford* Countie to be Comitted by *Maryland* and other strang Indians
according to the Refolue of the houle on *Thursday* laft and that they be empowered to
manage the Conference accordingly

The Remonfrance of y^e Inhabitants of the Country of *Northumberland* being read
in relation to their ports

Refolued that the former proceedings of the houle do fully anfwer the fame.

The Petition of *Rodham Kennor* fh^{err} of *Northumberland* Co^{ty} was read and praying
that the Meffingers fees might be awarded.

Ordered that the faid *Rodham Kennor* pay y^e meffinger for his fee five pounds *sterl*.

Then a bill for giueing Encouragem^t to erect ffulling Mills was read the firft time

Refolued that the faid bill be read a 2^d time

A bill Concerning the markeing of Indians hogs read the firft time.

Refolued that the faid byll be read a 2^d time

A bill for the aduancement of Coines read the firft time

Refolued that the faid bill be read a 2^d time

A bill for feating certain lands on the fouth fide *James* River and *Pamunkey* necke
read the firft time.

Refolued that the faid bill be read a 2^d time

Then the houle took into Confideraçon the Report of the Comittee of Grieuances
and propofitions upon the petition of *John Pleasant* and *John Woodfon* and other *Quakers*
and the Comittee propofeing a new bill Concerning the militia and repeal of the feuerall
aëts relateing thereto

Refolued that the houle doe not agree to y^e Report of y^e Com^{te}

Ordered that the faid Report be laid afide

Vpon Reading the Report of the Comittee Publique Claimes concerning a Refolue
of the laft affembly about y^e Rangers pay

Refolued that the faid Comittee of Publique Claimes make humble application to
his Ex^{ty} and Councill for an acco^t how long the Rangers at the heads of the Riuers haue
been in actuall feruice or difcontinued, and how much of the Sallary raifed for them the
laft Seffion remains now in depofito unmade use of

Vpon Reading the Report of the faid Comittee relateing to 25 barrells powder lent
to the Gouverno^r of *Maryland*.

Refolued that the Comittee make humble application to his Ex^{ty} and the Councill
to take care that the 25 barrels of powder lent the Gouverno^r of *Maryland* laft Affembly
may be redeliuered at fuch time and place within this Gouvernement as was upon the loan
thereof fet and required

Order^d that the faid Comittee acquaint M^r *Treasurer* y^t the houle doth expect his
acco^t of y^e Impofition upon Liquo^r with all Convenient expidition.

Ordered that the bill for fufpenfion of the aë^t for Ports &^c be read the fecond time to
morrow morning Eleuen a clocke.

Then the houle of Burgeffes according to the Order of *Saturday* takeing into their
Confideraçon the Report from the conference with the hono^r^{ble} Councill about the Re-
uiſeing and difſecting of the lawes at which their hono^r were pleas'd to referre to the
houle the nomination of the perfons & time for performance of that neceffary worke the
houle haue thought fit to name *Tho. Milner* Gent ſpeaker Majo^r *Sam^l Swan* M^r *W^m Leigh*
M^r W^m Randolph M^r *Miles Cary*, M^r *Arthur Spicer* M^r *Dan^l Parke* M^r *John Cuſtis* M^r *W^m*
Colſton M^r *John Taylor* M^r *Michaell Sherman* M^r *fra. Clements* or any five of them, to
whom fhall be comitted the care and charge thereof who are to meet at *James City* the
place p^{ro}poſed by their hono^r the 1st day of *September* next & to fit in the Affembly room
in order to their proceeding therein, & they propoſe they may haue power to fend for
papers

papers Records and for such person or persons for their assistance as they shall think fit and that they may be thereunto impowered by an act of Assembly.

Ordered that Cap^t *Randolph* Cap^t *Cary* Cap^t *Spicer* M^r *Parke* & Cap^t *Custis* desire a further conference with the hono^{ble} Councill upon these propofealls.

And then the house adjourn'd till tomorrow eight a clocke.

Tuesday March 21 1692/3

THE house according to Order being called ouer the absence of those that did not appear were excused.

M^r *Miles Cary* Reports that he with the rest of the Committee for Publique Claimes had waited upo his Ex^{cy} & y^e Councill & had prayed an acco^t how long the Rangers had been in actuall seruice how long discontinued & how much of the sallary raifed for them remained undisposed of and y^t they had also made application that the 25 barrells powder lent the Gouverno^r of *Maryland* last Assembly might lye under his Ex^{cy} & the Councills consideraçon for redeliuery and y^t his Ex^{cy} was pleased to answer he would aduise upon it

Cap^t *John Custis* from the Committee of Grievances and propositions reported that the said Committee had agreed upon two resolutions, about the erection of a Post office and about the building a Country Prifon, which they had directed him to report and he read the same in his place and then deliuered them in at the table.

Ordered that y^e f^d Reports lye upon the table

Then the f^d Cap^t *John Custis* Reported y^t y^e f^d Committee had prepared a bill for ascertaining the price of a permitt which he deliuered in at the table

Ordered that y^e f^d bill lye upon the table

Then according to Order a bill for the suspension of the act for Ports &c was read the second time

Ordered that the f^d bill be ingrossed and read third time tomorrow morning ten a clocke

M^r *W^m Randolph* from the persons appointed to desire a Conference with the Councill about a complaint from *Stafford* County of feuerall abuses done by *Maryland* & other strang Indians Reported that according to the order of the house they had made an application for a Conference and y^t his Ex^{cy} was pleased to answer he would aduise of it

A bill for Continueing the act for the better defence of y^e Country read the 2 time and after amendment made at the table being twice read

Ordered that the said bill with amendm^{ts} be ingrossed and a 3 time tomorrow morning

A bill for Repealing a clause in y^e 7th act of Assembly made *anno.* 1686 and inserting a clause therein read y^e 2 time and the Question being put that the f^d bill be ingrossed.

Itt passed in the Negatiue.

Ordered that the said bill be ejected

a bill concerning the markeing Indians hogs read the second time and after some amendments made at the table which were twice read.

Ordered that the said bill with amendments be ingrossed and read a third time.

A bill for giueing Encouragement to erect ffulling Mills read y^e 2^d time and after some amendments

Ordered that the said bill be ingrossed and read a 3 time

A bill for Seating certain lands on the south side *James Riuer* and *Pamunkey neck* read the 2^d time after some amendm^t made at the table

Ordered that the f^d bill with the amendments be ingrossed & read a 3^d time

A bill for aduancement of Coines read the second time and Comitted to the Committee that first prepared the same for amendments

A meffage from his Ex^{ty} and y^e Councill by M^r *Edwards*
M^r *Speaker*

I am Comanded by his Ex^{ty} & Councill to acquaint you that the verball meffage this day fent from yo^r houle by Cap^t *Cary* and Cap^t *Randolph* being not well underftood, they defire they may be fent them in writeing.

Then the f^d M^r *Edwards* being withdrawn the fame were prepared and fent to his Ex^{ty} and the Councill accordingly

M^r *W^m Leigh* from the Committee to whom the fame were referred Reported that they had confider'd of & made feuerall amendm^{ts} in the bill for the aduancem^t of Coine according to the Order of this morning.

Ordered that the faid bill lye upon the table

And then the houle adjourn'd till 2 a clock afternoon

Post Meridiem.

UPON Reading the Report of the Com^{te} of Grievances and propositions concerning the building of a Country Prifon

The Question was put

Whether the Erecting & building of a Country prifon was neceffary and expedient

Itt paffed in the Negatiue

Vpon Confideration of the Report of the faid Committee concerning allowances for the carriage of Letters from place to place

Resolved that a bill be prepared by the Committee of Grievances & propositions giuing Such allowances for the port of Letters, as are mentioned in the faid Report & further agreed upon in the houle & thereupon indorfed as an Inſtruction to the Com^{te} that prepared the fame.

Then the amendm^{ts} with a new prouiſo to the bill for the aduancement of Coines were twice read and agreed to

Ordered that the f^d bill with the amendments and new Prouiſo be fairly engroffed and read a 3 time

A bill for afcertaining the price of a permitt read y^e 1st time

Resolved that the f^d bill be read a ſecond time

And then the houle adjourned till tomorrow morning 8 a clock

Wednesday March 22 1692/3

MAJOR *Sam^l Swan* from y^e Committee of Grievances and propositions Reported that the f^d Committee had prepared a bill for encouragem^t for the erecting a Poſt office, which he deliuered in at the table

Ordered that the faid bill ly upon the table

The houle being informed that the hono^{ble} Councill will be ready at eleuen a clocke this morning to meet and conferr with ſuch members of this houle about the Reuiſfall of y^e lawes as are thereto appointed It is therefore

Ordered That the faid managers do accordingly giue their attendance & that the third reading of the bill for ſuſpenſion of the act for Ports &c be reſpited till the afternoon. and then the houle adjourn'd till two a clocke afternoon

Post Meridiem

MAJOR *Sam^l Swan* from the Cōttee of Grievances & propositions Reported y^t the faid Committee according to the Order of the houle prepared a bill for altering the firſt day of the Gen^l Court &c which he deliuered in at the table

Major *Sam^l Swan* from the Conference from the Councill about Reuiſfall of the lawes Reports y^t y^e members appointed together with him to manage the fame had according to the Order of this morning met their hono^{rs} where hauing informed them

them with the feuerall propofalls giuen in direction from the houfe their hono^{rs} were pleas'd to reply they would confider of it and would meet again tomorrow morning for a further conference about the fame

Ordered that y^e f^d managers attend accordingly

M^r W^m Randolph Reporting that the Councill had appointed fwe a clocke this afternoon to meet and conferre with fuch members of this houfe as were appointed about the Complaints from *Stafford Countie &c* againft the *Maryland* Indians

Ordered that y^e f^d managers withdraw at fwe a clocke & Attend accordingly

Then according to order a bill for the Sufpention of the a^{ct} for ports &c was read a 3^d time & paffed the houfe

Refolued y^e the title to y^e f^d bill be *an a^{ct} for fufpending the Execution of the a^{ct} for Ports &c*

A bill for the Continueing the a^{ct} for the better defence of y^e Country read a 3^d time and paffed the houfe

A bill for altering the firft day of the Gen^l Court in fome cafes and of County Courts &c read the firft time

Refolued that the faid bill be read a fecond time

A bill for encourageing the erecting a Poft Office in this Country read the firft time

Refolued that the faid bill be read a 2^d time

M^r Randolph reports from the Cōference with the Councill about the Complaint from *Stafford Countie* relateing to the *Maryland* Indians

That they had made fome propofalls to their hono^{rs} concerning the Subject matter of the conference but thereto receiued noe reply, Saue that they would giue them another meeting & would acquaint them with the time when

A motion being made by A member of the houfe that M^r Ranson being now fick might haue leaue to goe home for the recouery of his health

Leaue was giuen accordingly

A bill concerning the markeing Indians hogs read y^e 3^d time and paffed the houfe

Refolued that the title to the f^d bill be *an a^{ct} concerning Indians hogs*.

A bill for giueing Encouragem^t to erect ffulling Mills read y^e 3^d time and paffed *nemine contradicente*

a bill for feating certaine lands on the fouth fide *James Riuer & Pamunkey neck*, read y^e 3^d time and paffed the houfe

A bill for aduancem^t of Coines read y^e 3^d time & paffed the houfe.

And then the houfe adjourned till 8 a clock tomorrow morning

Thursday March 23 1692/3

ORDERED that M^r Dan^l Park with Diuers other members of the houfe to the number of fourteen carry to the hono^{rb^{le}} Councill the feuerall bills which yesterday paffed the houfe *vide*

A bill for the Continueing the a^{ct} for the better defence of y^e Country

A bill for y^e fufpending the Execution of the a^{ct} for Ports &c

A bill concerning Indians hogs

A bill for giueing Encouragem^t to erect ffulling Mills

A bill for feating certaine lands on y^e fouth fide *James Riuer and Pamunkey neck*.

A bill for the aduancement of Coines.

and defire their hono^{rs} Concurrence thereto

M^r Parke &c being returned Reports that he had deliuered the f^d fix bills to y^e Councill according to y^e order of y^e houfe

A bill for afcertaining the price of a permitt read y^e 2 time

Ordered to be engroffed & read a 3^d time

A bill for altering the firft day of the Gen^l Court in fome cafes and alfoe of County Courts read y^e 2^d time.

Ordered

Ordered y^e y^e f^d bill be ingrossed and read a 3^d time.

A bill for encourageing the Erecting of a Post office in this County read the second time and after some amendments & a new Clause inferted at y^e table were twice read

Ordered that the sd bill with the amendment & clause be fairly Engrossed and read a 3^d time

Ordered that Cap^t *Randolph* Cap^t *Duke*, Cap^t *Sherman* and Cap^t *Bassett* receiue the acco^t of 4^d ^q gallon on the imposition upon skines &c from M^r *Treasurer* and that they examined the same and report to the house

Ordered that the Committee for Publique Claimes bring in y^e Reports of the f^d Committee in the afternoon.

And then the house adjourn'd till 2 a clocke afternoon

Post Meridiem

CAP^t *Miles Cary* from the Committee of Publique Claimes according to the order of this morning haueing brought into y^e house y^e Report of the said Committee deliuered the same entered together in a booke at the table.

Then the house took seuerall of the said Reports into imediate consideration, but not haueing finished the whole booke y^e remaineing part was referred till tomorrow afternoon.

Then the house adjourn'd till 8 a clocke tomorrow morning.

ffryday March 24 1692/3

MR W^m *Randolph* from the Conference with the Councill upon the complaint against the *Maryland* Indians &c from *Stafford* Cou^{ty} Reports that their hono^{rs} were pleas'd to say y^t haueing now seen *Stafford* Countie Grievances and heard the propositions of the house, they would acquaint the whole Councill with it and giue their answer.

M^r W^m *Randolph* also reports from the persons appointed to receiue M^r *Treasurers* acco^t of 4^d ^q gall that according to order they had been with *Coll Hill* and had receiued his acco^t for the time he executed the office of Treasurer which was deliuered in at y^e table

And then y^e f^d M^r *Randolph* informing the house y^t he was told by *Coll Hill* that from *June* last *Coll Henry Whiteing* had executed the said office by virtue of the L^t *Gouerno^{rs}* Comission

Ordered that the same persons before appointed to whom are added the rest of the Committee Claimes, doe inquire into the said *Coll Whitings* authority for executeing y^e said office and if satisfied therein demand his acco^t of the f^d imposition of four pence ^q gallon.

Major *Sam^l Swan* from the Conference with the Councill about Reuifall of the lawes Reports that the members of this house haueing met their hono^{rs} about y^e same yesterday afternoon, they were pleas'd to giue it as their Result and full answer to the propofalls of this house that the present time to goe about Reuifall of the lawes was most fitt dureing this Session and that they could agree to noe other

Then the house entred into the imediate Consideraçon thereof & after some time spent in debate The Question was put

Will the house agree with the proposition of the Councill in presently entreing upon the Reuifall of the lawes dureing this Session and before the Rifeing thereof to perfect the same.

And it passed in the Negatiue.

ffor as much as the house cannot concurre with the Councill in the present time for Reuifalls of the lawes & yet that a work of soe great a concernm^t to the welfar of this
their

their Maj^{ty} Colonie and dominion may be effectually carried on perfected and confirmed with all convenient expedition

It is referred to the Committee of Grievances and propositions to take into their immediate Consideration the best waies meanes and methods of effecting the same

Ordered that Cap^t *Randolph* and Cap^t *Cary* be added to the said Committee

A bill for ascertaining the price of a permit read the 3^d time and passed

Resolved that the title of the said Bill be *An act ascertaining the price of Coasting Cocquets and Requireing officers attendance*

A bill for altering the first day of the Gen^l Court in some cases and also of County Courts read the 3^d time and passed the house

A bill for encourageing the erecting of a Post office in this Country read a 3^d time

Resolved that the said bill bee put to the passage in the afternoon

And then the house adjourned till 3 a clock afternoon

Post Meridiem

A BILL for encourageing the erecting of a Post office in this Country was put to the passage according to the Order of this morning and some amendments being made in the same, the Question was put for the passing after the same had been 3 times read and *Resolved* that the said bill with the amendments pass the house and *ordered* that y^e same together with the other bills which passed this morning be carried to the hono^{ble} Councill for concurrence.

A message from his Excellency by M^r *Edwards*

M^r *Speaker*

I am comanded by his Ex^{cy} and the Councill in answer to the desire of your house about the Rangers sallary to giue you this paper

I am also comanded by his Ex^{cy} and y^e Councill in answer to the desire of your house about y^e powder to giue you this paper both which papers being receiued one thereof being an acco^t of tobacco paid y^e Rangers the same was referred to y^e Committee for Publique Claimes and the other being an answer to the application of this house for concerning powder sent to the Gouverno^r of *Maryland* was read as followeth

By his Excellency.

M^r *Speaker and Gent of the house of Burgeffes*

As to your addrefs about the powder sent to the Gouverno^r of *Maryland* upon aduice in Councill I desire to know Whose the powder is, and who is to take charge thereof, that due regard may be had thereto

March 24 1692 :

E Andros

Ordered that the Committee for Publique Claimes inspect y^e Journalls of this and the last Affembly, prepare an answer to y^e message from his Ex^{cy} now Rec^d about 25 barrells of powder & report of y^e same to this house

M^r *W^m Randolph* Reports from the Conference with the Councill concerning the Complaint from *Stafford* County against *Maryland* and other Indians that their hono^{rs} desired the Burgeffes of that County to put in writeing what y^e injuries are, to whome done w^t time done and by what Indians and to signe the same, to the end y^e y^e same being deliuered to them, his Ex^{cy} and the Councill may take such care therein as lies in their power.

The Petition of Cap^t *Henry Duke* and Cap^t *Michaell Sherman* Burgeffes for *James* County for an allowance for their County prison made use of for the Publique was read and after some debate the Question being put

Whether any allowance from y^e Publique shall be giuen to *James City* County for y^e use of their prison

It passed in the negative.

Cap^t

Cap^t W^m Randolph moueing the houle that he might haue leaue to goe hence upon his extraordinary occations.

Leaue was giuen accordingly

Ordered that he giue his attendance to the seruice of the houle *Munday* afternoon

Ordered that the Reading the feuerall Reports of y^e Comittee for Pub^a Claimes referred till this afternoon be further adjourn'd till tomorrow
and then the houle adjourned till 8 a clock tomorrow morning.

Saturday March 25 1692/3

MR Michael Sherman reports that according to order the three bills yesterday passed the houle were deliuered to y^e hono^r^{ble} Councill being
A bill for ascertaining y^e price of Coasting Cocquets and requiring officers attendance

A bill for altering the first day of the Gen^l Court in some cafes and alfoe of County Courts.

A bill for encouraging the erecting of a Post office in this Countrie

and that y^e Councill were pleas'd to say they would take y^e same under Consideracon

A motion being made by a member of the houle, that M^r W^m Colston now being sick might haue leaue to goe home for recouery of his health—Leaue was giuen accordingly

Majo^r Sam^l Swan from the Comittee appointed to take into Consideracon the best meanes of carrying on and perfecting the Reuifall of the lawes Reported that the 1st Comittee had as a meanes thereto agreed upon an addrefs to be presented to his Exc^y and the Councill which he read in his place and then deliuered it in at the table where being again read the same were after amendment agreed to by y^e houle as followeth

May it please yo^r Exc^y and hono^rs

The Reuifall of the lawes of this Countrie is conceiued by all to be a worke of great Concernment to y^e welfare of this their Maj^s Colony & Dominnōn & that the same might be effectually carried on perfected and confirmed withall Convenient Expedition feuerall conferences haue been appointed & managed by some Members of this houle with some of y^e hono^r^{ble} Councill and for as much as noe certaine Result of those conferences has yet been. Time a necessary Incident for such actions not being agreed on, *September* being proposed by this houle and the present time by the hono^r^{ble} Councill for the inception of that undertaking.

This houle therefore in all humble manner shew y^t by reason of the insupportable growing charge which will unauoidably attend y^e siting of an assembly especially the daily encreaseing sickness being considered they can in no way agree with the hono^r^{ble} Councill in the present time by them prescribed but y^t so usefull an vndertakeing may not miscarry humbly propose y^t some convenient time after the arising of y^e approaching Gen^l Court may be appointed by yo^r Excellency and hono^rs for a progress therein

Ordered that the said addrefs be forthwith fairly transcribed to be sent to his Exc^y and Councill

M^r Miles Cary from the Comittee of Publique Claimes Reported y^t the said Comittee haueing according to order taken into Consideracon an answer to his Exc^ys message yesterday about 25 barrells powder had agreed upon one, which they directed him to report which he read in his place and then deliuered it at the table where being againe read the same was agreed to by the houle as followeth

May it please yo^r Exc^y

Their most sacred Maj^{ties} haueing been graciously pleas'd to send into this Country 200 barrells powder for the defence thereof the L^t Gouverno^r was pleas'd to recommend y^e disposalls and Conveyance of the same to y^e last assembly, as alfoe to communicate a letter from the Gouverno^r of *Maryland* for the Loan of 50 barrells powder for the houses resolution therein, who were willing to spare 25 barrells ffor the present defence & securitie

curitie of their Maj^{ty} said Gouvernement upon such good caution & securitie as the L^d Gouverno^r and Councill should thinke expedient to secure the deliuey of the same, in such time, and at such certaine places within this Gouvernement as should be required, which was the reason that this house made humble supplication to yo^r Ex^{cy} and Councill that the same might be under your confideracon for the redeliuey thereof.

Ordered that the said addrefs be fairly transcribed in order to be sent to his Ex^{cy} and that M^r Parke Cap^t Basset Cap^t Clements Cap^t Baker M^r Cant M^r Sandford Major Sawyer and Cap^t Styth carrie the same to his Ex^{cy} and also the addres about the revifall of y^e laws to his Ex^{cy} and the Councill which was done accordingly.

Then the house according to order proceeded in the Reading y^e Remaineing part of the book of Reports of Committee for Publique Claimes which haueing finifhed, the same were agreed to by the house with such alterations and amendments as are noted downe in the body of the Margent of the said book of Reports.

Ordered that M^r Dan^l Parke haue leaue to goe out of Towne upon his Extraordinary occations

Resolved and *ordered* y^t whatfoeuer Member of this house shall hereafter depart out of Towne without the leaue of the house, and shall fail to giue his attendance at the time which the house is adjourned to shall for such his default be taken into the messinger Custody there to continue and remaine untill he hath paid such fees as the house shall affes upon him

And then the house adjourned till *Munday Morning* ten a clocke

Munday March 27 1903 [1693]

ORDERED that Cap^t Henry Duke haue leaue to visit his Son who lies very sicke
The Petition of *Peter Beuerley* was read and the same being a matter of C ayme for seruices done as Clerk of the house of Burgeffes.

Resolved and *Ordered* that the said petition be taken into Confideracon when the house shall resolve into a committee of the whole house for settling the allowances to the officers attending the assembly.

Resolved, that this house will forthwith resolve into a Committee of the whole house to consider of all other necessary allowances to be added to the booke of Claimes.

and then the house accordingly resolved it selfe into a grand committee, and M^r Miles Cary took the Chair, wherein haueing spent some time, M^r Speaker resumed the Chair and M^r Cary Reported that the said Committee had agreed upon feuerall allowances to the officers of this Assembly and directed him to report which he read in his place and were agreed to by the house

Ordered that the said feuerall allowances now Reported and agreed to be annexed to the book of Reports of the Committee for Publique Claimes and that the same being done, the said Committee forthwith carrie the said book to the hono^rble Councill for their Concurrence.

M^r Cary Reports that according to the order of the house y^e Committee for Publique Claimes had deliuered to the Councill the book of Reports from the said Committee as it was agreed and added to by the house

and then the house adjourne'd till two a clocke afternoon

Post Meridiem

MR Miles Cary from the Comitte Publique Claimes being thereto appointed Reports that according to Order they had demanded of Coll *Henry Whiting* how he was qualified to officiate as Treasurer, for which he produced the L^d Gouverno^rs Comission, and that they had taken of him his Treasurers acco^t and examined the Same both which he deliuered in at the table.

Then

Then the said Coll *Henry Whittings* Comission for Treafurer being sign'd by the L^t Gouverno^r and under the seal of the Colony bearing date the fifth *July* 1692, was read and the same empowering him to act as Treafurer till this Assembly in the room of Coll *Ed. Hill*

Ordered that a bill be prepared by the Comittee of Grievances and propositions for the appointing a Treafurer and that they report it tomorrow morning.
and then the house adjourn'd till tomorrow morning 9 a clocke.

Tuesday March 28th 1693

THE house being informed that Cap^t *Martin Scarlett* a member of the house is very sick and desires leaue to goe home for the Recouery of his health.

Leaue was giuen accordingly

Cap^t *John Custis* from the Committee of Grievances and propositions Reports that the said Committee had according to order prepared a bill appointing a Treafurer which he deliuered in at y^e table

Then the said bill was read the first time, and the name of Coll *Henry Whiting* being inferted in the same and once read

Ordered that the said bill be read a 2^d time in y^e afternoon

Cap^t *John Custis* being very sick moued the house for leaue to goe home for recouery of his health

and leaue was giuen accordingly

Resolved that whatfoeuer Liquors lyable to the imposition of 4^d p gall by virtue of the 17th act of Assembly made at *James City* y^e 16th *Aprill* 1691 already haue come into his Ex^{cy} y^e Gouverno^r or hereafter may come into him or y^e Gou^r or Comand^r in Cheife for the time being for his or their proper use and Expence from any part whatfoeuer shall be exempted from the payment of the said imposition of 4^d p gallon and that this be a sufficient warrant to all Collecto^{rs} not to demand the same.

Ordered that this Vote be carried by Cap^t *Taylor* Cap^t *Leigh* Cap^t *Ballard* and M^r *Baker* to the hono^{ble} Councill for their Concurrence.

and then the house adjourn'd till 3 a clock afternoon

Post Meridiem

A BILL appointing a Treafurer according to Order was read the second time and Comitted to the Committee of Grievances and propositions for amendments.
And then the house adjourn'd till tomorrow morning 9 a clocke

Wednesday March 29th 1693

MR W^m *Leigh* from the Committee of Grievances and propositions Reports that the said Committee had according to the order of the house made seuerall amendments and added a Clause to the bill for appointing a Treafurer, which he deliuered in at the table, where the said amendments & clause being twice read were agreed to by the house.

Resolved that the said bill with the amendments & clause be ingrossed and haue a 3^d reading in the afternoon

and then y^e house adjourn'd till 3 a clocke afternoon.

Post

Post Meridiem

A BILL appointing a Treafurer read the 3^d time and paffed the houle.
Ordered that Cap^t Clements Cap^t Armistead, M^r Cant Cap^t Battail Cap^t Styth M^r ffild and Cap^t Wilfon do forthwith carrie the faid bill to the hono^rble Councill for their Concurrence.

M^r Clements &c being returned reports that the faid bill was deliuered accordingly.
 The houle adjourn'd till tomorrow morning nine a clocke.

Thursday March 30th 1693.

THE petition of *John White* praying that he might be Entertained as a door keeper in the roome of *John Clerke* Dec^d was read and granted
Ordered that he giue his attendance accordingly.

A meffage from the Councill by M^r Edwards

Who brought into the houle from the Councill thefe ffollowing bills.

A bill for continueing the a^{ct} for the better defence of the Country

A bill for fufpending the execution of the a^{ct} for Ports &c

A bill Concerning Indian hogs which he deliuered in at y^e table

The petition of M^r *Edw^d Chilton* their Maj^{ty} attorney Gen^{ll} for leaue to bring in a bill afcertaining the fufficiency of Jurors and for impofeing penalties upon fuch who fhall neglect upon due Sumons to appear on Juries was read and upon debate thereof the houle finding an order of this Seffion of the 9th instant that the 13th instant twelue a clocke fhould be the utmoft time allowed this Seffion for bringin in propofitions &c could not admitt of bringing in a bill to be confidered this Seffion, but the faid propofition being a matter of weight and worthy Confidera^{con} recomended the fame to the next Seffion of Affembly.

M^r *John Downing* & M^r *W^m Jones* Burgeffes for *Northumberland* County apeareing in the houle had the Oathes enjoined by A^{ct} of Parliament instead of the Oathes of Allegiance & Supremacy the oath of a Burgefs and the Teft adminiftred to them by *W^m Byrd* Efqr and *Edw^d Hill* Efqr two of their Maj^{ty} Councill Comiffionated to adminifter the faid Oathes to the feuerall Burgeffes of this affembly.

A bill for continueing the a^{ct} for the better defence of y^e Countrey return'd from the Councill with the propofalls of feuerall amendm^{ts} and the f^d amendm^{ts} being read.

Ordered that the Confidera^{con} thereof be refferred till y^e afternoon

A bill for fufpending the execution of the a^{ct} for Ports &c Returnd from the Councill agreed to with the propofall of amendm^{ts} and y^e faid amendm^{ts} being read the fame wa agreed to by the houle *Ordered* y^t the f^d bill be amended accordingly.

A bill concerning Indians hogs returned from the Councill agreed to without amendm^{ts}.

and then the houle adjourn'd till two a clock afternoon.

Post Meridiem

A MESSAGE from the Councill by M^r Edwards.
 M^r Speaker

I am ordered by the hono^rble Councill to return you thefe two bills with their anfwers.

A bill for giueing Encouragement to erect fulling Mills.

A bill for afcertaining the price of Coafting Cocquets and requireing officers attendance

M^r *John Cant* being very fick moued the houle for leaue to goe home for recouery of his health and leaue was giuen accordingly.

A bill for giueing Encouragement to erect fulling Mills returned from the Councill agreed to without amendm^{ts}

A bill for ascertaining the price of Coasting Cocquets and requiring officers attendance returned from y^e Councill with the proposition of seueall amendments being read the same were agreed to by the house and the said bill amended at the table accordingly.

Then the house according to the order of the morning took into Consideration the amendments proposed by the Councill to the bill for continuing the act for the better defence of the Countrey wherein hauing debated awhile the house resolved into a Committee of the whole house to consider of the said amendments and M^r Cary took the Chair and some time being spent therein M^r Speaker resumed the Chair and M^r Cary Reported, that the said Committee had in the matter to them referred agreed upon a Resolution, which he read in his place, and deliuered the same in at the table where being again read the same was agreed to by the house and

Resolved that this house doth agree to the amendm^{ts} proposed by the Councill to the bill for continuing the act for the better defence of the Countrey but for as much as y^e same are to large to be put into and Contained within the said bill.

It is further *Resolved* that the bill be again drawn ouer wth regard to the amendments offered by the Councill and be proceeded in and Voted as a new byll

Ordered that the Committee off Grieuances and propositions to whom are added Cap^t Cary and Cap^t Randolph doe forthwith withdraw and prepare the Same accordingly.

M^r W^m Leigh from the Committee appointed for the same Reports that they had prepared a bill according to y^e order of the house for continuing the Rangers at the heads of the 4 great Riuers which he deliuered in at the table

and then the said bill was read the first time

Resolved that the said bill be read a 2^d time tomorrow morning seauen a clocke.

and then the house adjourn'd till tomorrow morning 7 a clocke.

ffryday March 31 1693

A BILL for Continuing the Rangers at the heads of the four great Riuers read the 2^d time after some amendments made at the table

Ordered that the said bill with the amendments be engrossed and read a 3^d time at the meeting of the house, in y^e afternoon

Seuerall Letters of W^m Cole Esq^r to M^r Gawen Corbyn merchant in London relating to the sume of 300£ sterl. which y^e said W^m Cole was desired by the last assembly to receiue of the Treasurer of this Dominion and transmitt to the said M^r Corbyn for y^e use of this Countrey were read and the house being thereby sensible of the care and fidelity of the said W^m Cole in punctually pursuing the Order of the said assembly relating thereto

Ordered that the thanks of this house be giuen to the said W^m Cole for such his care and fidelity and that Cap^t Miles Cary doe the same.

and then the house adjourned till two a clocke afternoon

Post Meridiem

A MESSAGE from the Councill by M^r Edwards
M^r Speaker

I am Ordered by the hono^{ble} Councill to return you these bill and Resolue with their answers a bill for aduancement of Coines

A bill for encourageing the erecting a Post office in this Countrey

A bill for seating certain land on the South side *James Riuer* and *Pamunkey necke*

A bill appointeing a Treasurer

A bill for altering the first day of the Gen^l Court in some cases and also of County Courts and a Resolue about Gouverno^rs Liquors.

A bill for continuing the Rangers at the heads of the 4 great Riuer then according to the order of the morning was read the 3^d time and passed the house.

Ordered that Major Yewell Cap^t Jones M^r Downing Cap^t Lyddall Cap^t Ousley and Cap^t Styth carrie the said bill to the Coun^{ty} for their Concurrence which was done accordingly

A bill for seating certaine lands on the south side *James Riuer* and *Pamunkey necke* returned from the Councill not agreed to upon debate of which a motion being made that a Conference be desired with the Councill about y^e same the Question was put whether there shall be a Conference desired.

Resolved in the affirmatiue.

The Resolue of the house for exempting such Liquors as already haue or hereafter shall come for y^e Gouverno^rs proper use and expence from paym^t of y^e 4^d ^q gallon returned from the Councill not agreed to.

A bill for altering the first day of the gen^l Court in some cases and also of County Courts return'd from the Councill not agreed to

A bill for aduancement of Coines returned from the Councill not agreed to

A bill appointing a Treasurer return'd from the Councill not agreed to

A bill for encourageing the erecting of a Post office in this Country return'd from the Councill agreed to with the proposition of feuerall amendments and the said amendm^{ts} being read, part of the same were agreed to and part disagreed to.

Resolved that a present Conference be desired with the hono^r^{ble} Councill about these bills viz

A bill for seating certaine lands on the south side *James Riuer* and *Pamunkey neck*

A bill for the aduancement of Coines and a bill appointing a Treasurer, which their hono^rs this day returned into the house not agreed to and also about the amendments proposed by the Councill to the bill for encourageing the erecting of a Post office part whereof this house haue agreed to and part disagreed to.

Ordered that

Cap^t W^m Leigh

Cap^t Randolph

Cap^t Sherman

Cap^t Ranfon

M^r Baylor

Cap^t Cary

Cap^t Taylor

Cap^t Duke

Cap^t ffield and

Cap^t Hardidge carrie the bills for suspending the execution of the act for Ports & and y^e bill ascertaining the price of Coasting Cocquets and requireing officers attendance to the hono^r^{ble} Councill and acquaint them that this house hath agreed to the amendments propos'd by their hono^rs to the said bills and inserted the amendments accordingly.

And that the said Committee desire and hold a Conference with their hono^rs touching the feuerall matters which the house hath this afternoon, Resolued to desire a Conference about at such time and place as shall be appointed by the Councill for the same.

And then the house adjourned' till eight a clock tomorrow morning

Saturday Aprill 1st 1693.

A MOTION being made that Cap^t Arthur Spicer being very ill might haue leaue to goe home for recouery of his health
leaue was giuen accordingly

M^r Speaker acquainted the house that he had Receiued backe from the Councill the two bills *vide* A bill for suspending the execution of the act for Ports & A bill for ascertaining the price of Coasting Cocquets and requireing officers attendance. Yesterday sent for their hono^rs view that this house had agreed to and inserted the amendments propos'd to the same by their hono^rs which he deliuered at the table

Cap^t W^m Leigh from the Conference with the Councill about the feuerall bills not agreed to by their hono^rs and the amendments to the bill for encourageing the erecting a Post office in this Country Reported feuerall passages of the said Conference and that upon Conclusion of the same their hono^rs adhered to their return made with the bill for seating certaine lands on the South side *James Riuer* and *Pamunkey necke*.

the

the bill for advancement of Coines and the bill appointing a Treasurer that they could not agree to y^e same and further Reported that haueing acquainted their hono^{rs} that this house had agreed to the amendments propos'd by their hono^{rs} to be made in the bill for encouragem^t of erecting a Post office in this Country Relateing to the rates and prices therein sett for carriage of Letters but had not agreed to the amendments propos'd to be made in the latter part of the said bill relateing to a change of words the Councill were pleas'd to agree, the same should stand as now in the bill.

and then the house adjourned till 2 a clock afternoon

Post Meridiem

A MESSAGE from the Councill by M^r Edwards
M^r Speaker

I am ordered by their Maj^{ties} Councill to deliuer you the bill for the continueing the Rangers and the booke of Claimes with their answers thereto

A bill for continueing the Rangers at the heads of the four great Riuers returned from the Councill agreed to with amendm^{ts} propos'd and the said amendments being read the same were agreed to by the house and the said bill amended accordingly.

Then the house took into Consideracon certaine amendm^{ts} propos'd by the Councill to be made in the book of Claimes now returned into the house all of which being agreed to, saue one the house thereupon drew up and sent this following message to the Councill by Cap^t Clements Cap^t Sherman Cap^t Ousley & Cap^t Hardidge
May it please yo^r hono^{rs}

The house of Burgeffes haueing upon the reading of the amendm^{ts} made by yo^r hono^{rs} to the book of claimes obserued, that yo^r Hono^{rs} propose to haue the word messenger left out in the allowance to M^r Drumond humbly signifie to yo^r hono^{rs} that they cannot agree thereto for that it is necessary his seruice be especially exprestd for which he hath that allowance.

A Committee for proportioning the Publique Levy.

Cap^t Miles Cary Chairman

Cap^t W^m Randolph

Cap^t Michael Sherman

Cap^t Jo^s Lyddall

Cap^t Henry Duke

Cap^t W^m Hardidge

Cap^t W^m Basset

Cap^t Clements

Ordered that the s^d Committee doe forthwith withdraw and state y^e acco^{ts} of Coll Edw^d Hill Treasurer and Coll Henry Whiting Treasurer proportioning the seuerall sums of mony allowed this Session to be paid by one of them. according as the same is directed in the book of Publique Claimes and report the same with all convenient expedition.

M^r Cary from the Committee for proportioning the Levy Reported that the said Committee had according to order stated y^e acco^{ts} of Treasurer Hill and Treasurer Whiting which were read and approued

Ordered that the said acco^{ts} be carried to the hono^{ble} Councill for their assent

Ordered that their Maj^{ties} Letters Patents to Thomas Neal Esq^r for settling a Post in America and of his Deputacon to Coll Andrew Hamilton and her Maj^{ties} Letters relateing thereto be recorded in the secretaries office.

Ordered that the Committee for proportioning the Publique Levy do forthwith goe out and take into Consideracon nine moneths allowance from the first of March for the L^t and foldiers at the heads of the riuers according to the direction of the act of Affembly and annex the same to the book of Publique Claimes in Order to haue y^e Levy proportion'd with all convenient Expedition

A Bill for rayfeing a Publique levy read y^e 1st time

Resolved that the said bill be read a 2^d time

and then the house adjourn'd till 7 a clock on Munday morning

Munday

Munday Aprill 3^d 1693.

CAPT Miles Cary from the Committee to whom the same was referred Reported that according to Order they had annexed to the book of Claimes nine moneths pay to y^e feuerall L^{ts} and Soldiers at the heads of the Riuers and proportioned the Publique Levy, and that the same being sumed up amounted to thirteen pounds and three quarters of tobacco ~~3~~ poll which they had proportioned to the feuerall Creditors of this Country and that there remained a deposito in Accomack County of three thousand one hundred and one pounds tobacco

and the same was agreed to by the house

Ordered that the sum (thirteen pounds three quarters of tobacco) be inserted in the blank of the bill for the Publique levy before its second reading which was done accordingly.

Then the byll for Raifeing a Publique leuy was read the 2^d time.

Ordered that the 1st bill be engrossed and read a 3^d time

A message from the Councill by M^r Edwards

M^r Speaker

I am ordered by their Maj^{ty} Councill to return you Coll Hills acco. and Coll Whitings acco^t as Treafurer of the imposition upon Liquors stated by you which with the feuerall orders for payment as therein mentioned to the Country Credit^{rs} haue been read and are returned approued.

Then he deliuered the said acco^t at the table.

Another message from y^e Councill by M^r Edwards was read as ffolloweth

By y^e hono^{ble} their Maj^{ty} Councill

M^r Speaker and Gent of the house of Burgeffes.

ffinding in yo^{rs} about M^r Drumonds allowance that it is signified it is necessary his Seruice be specially expresse^d for w^{ch} he hath that allowance we agree it be thus exprefs'd for seruice done for the house of Burgeffes

By order of the Councill

Aprill 1st 1693.

W^m Edu^{ds} C^l Gen. Assembly.

Ordered that an amendment be made in the book of Claimes upon M^r Drumonds allowance according to this message

and then the same was done at the table accordingly

The Bill for Raifeing a Publique Levy read y^e 3 time and passed the house

Ordered that the said bill be carried to the hono^{ble} Council for their Concurrence and that Cap^t Cary Cap^t Randolph Cap^t Sherman and Cap^t Bassett carry the same together with the book of Proportions which was done accordingly.

A byll Raifeing a Publique levy returned from y^e Councill agreed to

The book of proportions returned from y^e Councill agreed to.

Ordered that Cap^t W^m Leigh with five others, carry the Roll of the acts of this Session of Assembly prepared for signing to the Council for their perusall.

A Petition of W^m Drumond feting forth that the allowance made him for his seruice this Session scarcely defrayes his necessary expences was read, and the Consideration thereof referred to y^e next assembly for a further allowance.

A message from the hono^{ble} Council by M^r Edwards

M^r Speaker

I am Comanded by the hono^{ble} Council to deliuer you this Roll.

and then he returned the Roll which was sent to the Hono^{ble} Council this morning for their perusall.

A message from his Excellency by M^r Edwards

M^r Speaker and Gent of the house of Burgeffes

I am Ordered by his Excellency the Gouverno^r to acquaint you that his Excellencie doth comand the Immediate attendance of this house in the Gen^l Court house

And Immediately the house went down to attend

JOURNALL

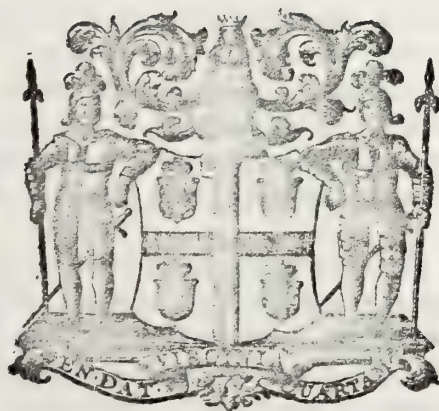
OF THE

HOVSE OF BURGESSSES

AT A

GENERALL ASSEMBLY

Begun at *James City* the tenth day of *October* in the fifth year of the Reign of ovr Sovereign Lord and Lady *William & Mary* by the Grace of God of *England Scotland ffrance & Ireland* King & Queen Defenders of the ffaith &c. *Annoq Domini 1693*



RICHMOND, VIRGINIA.

MCMXIV.

JOURNALL

OF THE

HOUSE OF BURGESSES.

Tuesday October the 10th 1693

DIVERS Burgeses being met were given to understand that *Edu^d Hill, Edm^d Jennings & Henry Hartwell Esq^{rs}* three of their Maj^{ty} Councill were by his Excellency Comissionated to administer the usuall oathes to the Severall Members elected and returned to serve in this Assembly and for that purpose were Sitting in the Generall Court house, whereupon they repaired thither & twenty Seaven as many as were then present took the oathes enjoined by Act of Parliament instead of the oathes of allegiance & Supremacy the test and the oath of a Burgeses, and that being done the Hono^{ble} *Edu^d Hill* acquainted them as followeth.

Gent of the house of Burgeses

I am comanded by the Governor to acquaint you, that his Excellencie having obserued this day but a small appearance of Burgeses in Town & Judging in a day or two more there may be a full one, hath thought fit to put off his meeting them, till *Thursday* morning eight a clocke, 'till which time you are by his Exc^{ty} comand adjourned.

Thursday October the 12th 1693.

A MESSAGE from his Exc^{ty} by M^r *Sherlocke*
Gentlemen. His Exc^{ty} commands the members of this house to attend him forthwith in the Generall Court house

and accordingly the Burgeses went down to attend his Exc^{ty} who was pleased after having made a Speech to command the Burgeses to returne to their house & to proceed to the choice of a Speaker. And the house being returned after Some motions about the choice of a Speaker & the Nomination of two persons. A member of the house put the Question between Coll: *Thomas Millner* & Coll: *William ffitz-hugh*, whereupon the house elected Coll: *Thomas Milner* for their Speaker who was placed in the Chair.

Then Coll *ffitz-hugh* with five Members more according to the desire of the house forthwth withdrew and went to acquaint his Exc^{ty} that the house had made choice of a Speaker & to pray his Exc^{ty} to assign a time when the house Shall present him. And they being returned Coll *ffitz-hugh* acquainted the house, that at three a clock in y^e afternoone his Exc^{ty} will be in the Gen^l Court house to receive the houses presentation of their Speaker. And then the house adjourned till three a clock afternoon.

Post Meridiem

THE house met & understanding his Exc^{ty} wth the Councill was in the Gen^l Court house, went down with their Speaker to attend his Exc^{ty} who being come before him, humbly represented to his Exc^{ty} that the Burgeses had chosen him their Speaker. And the house being returned, M^r *Speaker* acquainted them, that he haveing presented himself for their Speaker, his Exc^{ty} was pleased to give his approbation of their choice, and that upon his moving his Exc^{ty} on behalf of y^e
Burgesses

Burgeffes of this Affembly now convened & y^e comonalty of this Colony that he would be pleased to grant them the injoyment of all their usuall antient & customary priviledges, his Exc^y was pleased to say, M^r *Speaker* for soe I must now call you.

All those priuiledges that you haue had & should haue injoyed shall & are continued to you.

Then M^r *Speaker* having repeated to the house according to the best of his remembrance y^e heads & Substance of his Exc^{ys} Speech made before the Members of the house in the morning.

M^r *W^m Leigh*, M^r *Story*, M^r *Macon*, & M^r *Cant* were desired to pray his Exc^y in behalf of y^e house for a copy of his Speech, to the end it might be taken into early consideration.

And they being returned, M^r *Leigh* acquainted the house, that they had waited upon his Exc^y who was pleased to favour them with y^e copy of his speech, which he presented at the table & was there read as followeth

Gentlemen

I have rec^d their Maj^{ties} comānds in severall matters relateing to this their Colony & Dominion, the Act for Ports &c and the Act for the Reuiueing a former Act for Aduancement of the manufactures of this Country, as by proclamation of the first of *September* last past suspended till further order, but the s^d act to be taken into your further considerations & framed according to the Report of the Comissioners of their Maj^{ties} customs transmitted here together with cōpyes of s^d Acts for the better improvem^t thereof.

I am also comānded to recomēd to you as an advantage to their Maj^{ties} Service Navigation of *England*, & of all faire traders in tobacco, the makeing of a law for the prohibiting the exportaçon of bulk tobacco, w^{ch} is a demonstraçon their Maj^{ties} are satisfied, it will not lessen the quantity to be exported or y^t they preferr the particular benefit of their Subjects, by improving the value & price thereof to the advantage of this Country, before any other particular benefit thereby, the duety on tobacco by Act of Parliam^t being so much more then the prime cost of s^d tobacco.

I hope I need not remind you of w^t import & how necessary the Revissall of ovr lawes is to all concerned in this Colony & hope you are now Satisfied it is not a worke of Such difficulty or labour as not to be effected even dureing an ordinary Session & will be alsoe very acceptable to their Maj^{ties} I doe not doubt (tho I am to remind you) your due consideraçon as by the writs in what may be further necessary for the continued defence honor & welfare of this so antient a Colony & of a Suitable house for the Governour.

Not to loose tim you Gent of the house of Burgeffes are now to returne to your owne house & make choice of your Speaker

Lazarus Thomas, *Richard Morris*, *John White* & *George Pinhorne* having moved the house to be admitted & continued doore keepers they were accordingly admittid and respectiuey ordered to giue their attendance.

A Comittee for Elections & Priviledges

M^r *John Custis* Chairman

M^r *John Taylor*

M^r *W^m Edwards*

M^r *W^m Randolph*

M^r *Miles Cary* upon his petition is appointed Clerke of this Comi^{tee}

Ordered y^t he giue his attendance accordingly.

The petition of M^r *W^m Sherwood* complaining of an undue Election of M^r *Daniell Parke* for *James City* County, was read & referred to the consideraçon of the Comittee for elections & priviledges.

Ordered y^t y^e Clerke of y^e house deliuer to y^e Chairman of the s^d Comittee the Severall writs returned & that the S^d Comittee forthwth withdraw & take y^e Same into consideraçon.

Then the house adjourned 'till eight a clocke tomorrow morning.

ffriday

ffriday October the 13th 1693

MR John Custis from y^e Co^mittee of Elections & Priviledges reported y^t the f^d Co^mittee had taken into considera^on sev^l returns of Elections & had thereupon come to Severall resolu^ons w^{ch} he read in his place and then deliuered them in at the table where being againe read the same were agreed to by the house. And upon reading the Report of the f^d Co^mittee touching the election & returne of M^r Daniell Parke for one of the Burgeses of Yorke County, & for one of the Burgeses of James City County, the f^d M^r Parke had leaue to make his Election in the house for which he would serue & declared he would Serue for James City County.

Ordered y^t M^r Lee M^r Kemp, M^r Waters & M^r Heale, wait upon his Exc^y & pray him to issue out a new writ for the election of another Burgesse in the room of M^r Daniell Parke to serue in this Affembly for Yorke County.

And upon reading a Report of y^e f^d Co^mittee concerning the petition of M^r W^m Sherwood w^{ch} complains that there was undue election made of M^r Daniell Parke for a Burges in James City County the house thought fit & accordingly.

Ordered y^t Immediate notice be giuen to M^r W^m Sherwood to attend the house for a hearing about the Same, and the house being giuen to understand that he attended at the door, the f^d M^r Sherwood was called in, where his petition being read & he heard about the matter of the same, he & M^r Parke were both ordered to withdraw, and being withdrawn the house took the whole matter under considera^on, and it appearing by the confession of the f^d Sherwood that the f^d M^r Parke had the Majority of Votes upon a poll taken it was agreed & accordingly

Resolved that M^r W^m Sherwood hath no cause of complaint to this house & y^t M^r Daniell Parke is duely elected a Burges for James City County.

Vpon y^e Report of the f^d Co^mittee that a certain method may be prescribed for Sherrifs to make return of Writs for Elections.

Resolved y^t a forme & method for efecting the same be by the Committee of Grievances & proposi^ons when appointed taken under considera^on & reported to the house.

Ordered that the persons appointed to pray his Exc^y for a new writ for y^e election of a Burges in Yorke County in y^e room of M^r Parke, also pray his Exc^y to assigne Councill to administer y^e usual oathes to M^r Peter Beverley the Clerke of the house.

A Co^mittee for proposi^ons & Grievances.

Coll W^m ffitz-hugh Chairman

M^r John Custis

M^r John Taylor

M^r Gideon Macon

M^r James Ransone

M^r W^m Colstone

M^r John Washbourne

M^r Daniell Parke

M^r W^m Edwards

M^r W^m Leigh

M^r W^m Wilfon

Ordered y^t M^r Edward Chilton attend the f^d Co^mittee as their Clerke.

Ordered y^t the f^d Co^mittee haue power to adjourne themselves *de die in diem* & to send for persons Records journalls or other papers as there shall be occasion.

A Co^mittee for Publicke Claimes.

Cap^t W^m Randolph Chairman.

M^r W^m Baffet

M^r Henry Duke

M^r Jos^a Story

M^r Rich^d Bland

M^r Francis Eps

M^r Mathew Kemp

M^r W^m Lee

M^r Daniell of S^t Thomas Jenifer

Ordered y^t Miles Cary Junior attend y^e f^d Co^mittee as their Clerke.

Ordered y^t y^e f^d Co^mittee haue power to adjourn themselves from day to day and to send for persons books of reportes and other papers as occasion shall be.

Ordered y^t y^e Co^mittee of Grievances & proposi^ons take into their considera^on y^e journall & other proceedings of the last Affembly & make a report of what they find necessary to the house.

Ordered that y^e Co^mittee for Publicke Claimes take into their considera^on all Such proceedings papers & reports of y^e last affembly as relate to y^e Publicke claimes & make report of what they find necessary to the house.

Resolved

Resolved y^e y^e Returne made upon y^e writ for Election of Burgeses in *Lancaster* County by y^e Sherrife thereof is not Sufficient & y^e y^e S^d Sherrife by order from the houle be sent for to amend y^e Same.

The houle adjourned till two a clocke afternoone.

Post Meridiem

ORDRED y^e y^e Committee of Grievances & propofitions fit at y^e houle of M^r W^m Sherwood.

Ordered y^e y^e Committee for Publicke Claimes fit at y^e houle of M^r W^m Hallet

The Returne upon y^e writ for Election of Burgeses in *Westmoreland* County was read & allowed.

His Exc^{ys} Speech made before y^e Members of this houle yesterday is referred to y^e confideracon of y^e Committee of Grievances & propofitions

The propofitions & Grievances of *Henrico Surry Charles City James City Isle of Wight Northampton & Accomacke* Counties were severally read and referred to the Committee of Grievances & propofitions to reporte their Opinions therein.

Ordered y^e all propofitions Grievances & publick Claimes be brought in to the houle before *thursday* night next at latest or not rec^d into this Affem^{bl}y

Ordered y^e y^e Clerke of y^e houle publish this order by setting up a Copy thereof at y^e State houle door.

Ordered y^e M^r Joⁿ Buckner be added to y^e Committee of propofitions & Grievances

Ordered that M^r Hardidge, M^r Kemp, M^r Godwin, M^r Ball, M^r Lee & M^r Cant forthwth wait upon his Exc^y & pray him to communicate to this houle y^e Reports of the Commissioners of their Maj^{ties} customs relateing to the Act for ports, & other papers which his Exc^y was pleased to mention in his Speech yesterday were transmitted hither

Resolved & accordingly ordered that it be a Rule of this houle that fifteen Members wth the Speaker shall be a sufficient number to adjourne.

Resolved y^e application be made to his Exc^y that he will be pleased to appoint a fit person to attend the houle for the execution of their comands and to giue him authority accordingly.

Ordered that y^e Clerke of the houle against tomorrow morning prepare an addres for y^e purpose & that in the same M^r W^m Drumond be recommended as a person quallified for that office.

And then the houle adjourned till eight a clocke tomorrow morning.

Saturday October the 14th 1693

THE Clerke of the Houle according to the order of yesterday presented at y^e table an addres to his Exc^y for y^e appointm^t of an officer to attend the houle which was read and approued.

May it please your Excellencie

The houle of Burgeses takeing into confideracon y^e necessity of their having a fit officer to attend for y^e Execution of y^e Comands & meffages of y^e houle on all future occations, make this humble application y^e yo^r Exc^y will be pleased to comissionate some one for y^e service & to invest him wth such an authority as shall be necessary to quallifie him for y^e due & full performance of Such comands as he shall from time to time receiue from this houle, and forasmuch as this houle do find y^e M^r W^m Drumond hath for some Assemblies past behaved himselfe wth approbacon in the severall Services wherein the s^d Assemblies thought fit to imploy him they therefore recommend him to your Exc^{ys} confideracon at this time for the Service if yo^r Exc^y so think fit and that he may be directed by yo^r Exc^y & by your comission accordingly impowered to attend the same

Ordered

Ordered that the f^d addres be forthwth fairly transcribed & that Cap^t Armistead, M^r Spicer, M^r Heale, M^r Baker, M^r Swan, M^r Edmundson, M^r Spence, & M^r Hodges carry y^e same to his Exc^y

A message from his Exc^y by M^r Sherlocke
M^r Speaker,

In answer to an address from this house yesterday by Cap^t Hardidge I am commanded by his Exc^y to deliver these reports of the Commissioners of the customs.

which were rec^d at the table read & referred to y^e consideration of the Com^{tee} of Grievances & propositions.

The returne upon y^e writ for election of Burgesses in *Princes Anne* County read & allowed. And then the house adjourned till 3 a clocke afternoone.

Post Meridiem

A MESSAGE from his Exc^y by M^r Sherlocke. M^r Speaker I am commanded to deliver these papers into y^e house being referred from his Exc^y & Councill & I am further commanded by his Exc^y to deliver this answer to y^e address of this house, sent in the morning relating to the appointment of an officer to attend upon this house, which papers, & answer being rec^d by M^r Speaker at the table, his Exc^y answer was read as followeth.

By his Exc^y:

M^r Speaker

I have considered the address of the house of Burgesses presented me this day for an officer, & upon advice in Councill have appointed M^r W^m Drumond to be their Maj^{ties} messenger & to attend the service of the house of Burgesses for which I have directed a commission to be prepared accordingly.

October the 14th 1693.

E. Andros

The propositions & Grievances of *King & Queen* County & of *Norfolke* County referred by his Exc^y & Councill to y^e consideration of this house, read and referred to y^e Committee of Grievances & propositions.

And then the house adjourned till. *Munday* morning eight a clocke.

Munday October y^e 16th 1693

COLL W^m ffitz-hugh from y^e Committee of Grievances & propositions Reported y^e the f^d Committee had taken into consideration divers matters to them referred & had agreed upon Severall resolutions w^{ch} he read in his place & then delivered them in at the table.

The petition of divers Merchants in *London* to y^e Com^{tee} of y^e customs against bulk tobacco, Some reasons given for it & y^e S^d Com^{tee} present^d to y^e Lords Com^{tee} of their Maj^{ties} Treasury, y^e his Maj^{ties} might be moved to recommend to this Assembly in *Virg^a & Maryland* y^e making of a law for the prohibition of bulke tobacco were severally read & referred to y^e Committee of Grievances & propositions

Resolved & ordered y^e whatsoever Member of this house shall depart out of Town wth out leave & shall faile to give his attendance at y^e time w^{ch} y^e house is adjourned to, shall for such his default be taken into the Custody of y^e messenger attending this house there to continue & remaine untill he hath paid such fine as y^e house shall assess upon him.

Ordered y^e y^e house be called over euery *Munday* morning ten a clocke and at all Such other times, as shall be thought convenient & that whatsoever shall be then absent shall be liable to the censure of the house.

Then y^e house entered upon consideration of y^e Reports of y^e Committee of Grievances & propositions made this morning, & upon reading y^e Report of y^e f^d Com^{tee} to answer

a propoſition from *New Kent* County wherein they deſire that y^e tribute payable by the Indians might hereafter be paid in Wolues heads, & y^e Value of y^e Indians tribute might be rated in tobacco & levied upon y^e publicke, the houſe agreed withe y^e Comiſſion

Ordered y^t y^e S^d propoſition be rejected.

Vpon reading y^e Report of y^e S^d Comiſſion upon a propoſition y^t there might be a Bridewell or houſe of correction erected in every County the houſe agreed with y^e Comiſſion & were of Opinion, that y^e Same is already ſufficiently provided for in caſe y^e Laws be put in due execution.

Ordered y^t y^e S^d propoſition be rejected

Vpon conſideraſion of y^e report of y^e f^d Comiſſion upon a propoſition for giueing encouragem^t for makeing of Salt, the ſame was agreed to by the houſe who concurre wth the Comiſſion that y^e price for which Salt is uſually Sold is a Sufficient encouragem^t for makeing thereof

Ordered y^t y^e f^d propoſition be rejected

Vpon conſideraſion of y^e Report of y^e S^d Comiſſion upon a propoſition that Orphans without eſtates may be for y^e future bound apprentices to Manuall trades the Same was agreed to by y^e houſe who concurre wth the Comiſſion, that the Same is already effectually provided for by Law.

Ordered y^t y^e S^d propoſition be rejected.

Vpon Reading the Report of y^e S^d Comiſſion upon a propoſition y^t the Rangers at the heads of the great Rivers may be continued.

Resolved that y^e Act made y^e laſt Seſſion of Aſſembly relateing to the Rangers be continued a year longer then is provided for in the ſaid Act, & uſuall pay levied for the Rangers accordingly.

Ordered y^t y^e Comiſſion of Grievances & propoſitions prepare & bring in a byll accordingly.

Vpon conſideraſion of y^e Report of the f^d Comiſſion upon a propoſall y^t in caſe liberty be granted to take up land on y^e South f^d of *Blackwater* none be Suffered to exceed 300 Acres the Same was agreed to by the houſe who concurre wth y^e Comiſſion that the diſpoſall of Land being abſolutely in the power & diſcretion of their Maj^{ty} does no way concerne this Aſſembly & therefore *Ordered* that y^e S^d propoſition be rejected.

Vpon conſideraſion of y^e Report of y^e f^d Comiſſion upon a propoſition from *Henrico* County that the *Tuſcarora* Indians might be prohibited hunting at the heads of their woods & plantaſions, the ſame was agreed to by the houſe, who concurre with y^e Comiſſion y^t all Indians comiſſioning any injury or offence are liable to be puniſhed by law & therefore, *Ordered* y^t y^e f^d propoſition be rejected.

Vpon conſideraſion of y^e Report of y^e f^d Comiſſion upon a propoſition that y^e Impoſt on liquors may be taken off, the houſe approued of y^e Comiſſions anſwer to y^e Same, y^e law laying an Impoſition upon Liquors will in a ſhort time expire.

Vpon conſideraſion of y^e Report of y^e f^d Comiſſion, upon a propoſition y^t the law concerning planting & tending of ſlips may be repealed.

Ordered y^t y^e S^d propoſition be rejected.

Vpon conſideraſion of y^e Report of y^e f^d Comiſſion upon a propoſition that an encouragem^t may be given to ſuch who ſhall make the firſt, Second and third beſt piece of Linen.

Resolved & accordingly *ordered*, that a byll be prepared by the Comiſſion of Grievances & propoſitions impowering the juſtices of each reſpective County at their meeting in *Sept^r* & *October* yearly to ſet & eſtabliſh ſuch ſeverall rewards & encouragem^{ts} to be paid by their Reſpective Counties for y^e makeing of Linen Cloth as they in their diſcretions ſhall think fit. & convenient.

Vpon conſideraſion of the Reporte of y^e ſaid Comiſſion upon a propoſition y^t y^e reward for killing of Wolues may be leſſened the Same was agreed to by the houſe who concurre wth y^e Comiſſion that y^e Law in force relateing thereto is a good & wholeſome Law & therefore.

Ordered y^t the S^d propoſition be rejected.

Vpon

Vpon confideraçon of the Report of the f^d Comitte upon a complaint of *Charles City County*, wherein is fet forth, y^t Surveyors are refrained from laying out land on the South Side of *Blackwater*.

Vpon reading a Generall Court Order to that effect

Resolved that an addres be prepared to his Exc^v for the takeing off the present restraint by means of y^e f^d order of the Generall Court & otherwaies & for giving of equall liberty to Survey take up & patent lands on the South side of *Black water* & *Pamunkey necke* as in the other parts of *Virginia*.

Ordered y^t M^r *Randolph*, M^r *Taylor*, M^r *Eps*, M^r *Basset* & M^r *Leigh* draw up an addres accordingly & report to the house.

Vpon confideraçon of y^e Report of y^e S^d Comitte upon a proposiçon that the masters of women Servants who have Bastards be injoined to keep the Bastards or forthwith dispoise of them for the ease of y^e parish taxes. the Same was agreed to by the house who concurre with the Comitte y^t the Same is already effectually provided for by Law.

Ordered y^t y^e Said proposiçon be rejected

Vpon confideraçon of the Report of the f^d Comitte, upon a proposiçon for repealing of the Law about Tanners &c after some time spent in debate relateing to severall amendm^{ts} which were proposed to be made in the Said Act.

Resolved that it be referred, to M^r *Armistead* M^r *Waters*, M^r *Cary*, M^r *Richinson*, & M^r *Hodges*, to take the whole Act relateing to Tanners &c under confideraçon, & Report their Opinions, what is necessary to be altered in, & added to or taken from the Same,

Vpon confideraçon of y^e Report of the f^d Comitte, upon a proposiçon from *Accomacke County*, that none be admitted to practise as an attorney without the approbation of the Court wherein he practises & that a Moderate fee be allowed in bylls of cost.

Ordered y^t the f^d proposiçon be rejected.

Vpon confideraçon of the Report of the f^d Comitte, upon a proposiçon that none might be Suffered to exercise the function of a minister or undertake the education of youth, but Such as are professed members of the Church of *England* subscribe the Cannons &c the Same was agreed to by the house, who concurre wth the Comitte that the Laws already made Sufficiently provide for the Same.

Vpon confideraçon of the report of the f^d Comitte upon a proposiçon for ascertaining the pay of Schoolmasters & that the entrance of a child in Schoole might be equivalent to a byll.

Ordered that y^e f^d proposition be rejected.

Vpon confideraçon of the report of y^e f^d Comitte upon a proposiçon that a Law might be made to prohibit the ingroceing of Salt & other comoditys the same was agreed to by the house who concurr wth y^e Comitte that such a Law will much obstruct trade & therefore *Ordered* that the said proposiçon be rejected.

A message by M^r *Sherlocke* who brought into the house severall papers referred by the order of y^e Councill to the confideraçon of the house & deliuered them to M^r *Speaker* at the table.

Certain proposiçons of *Princess Ann County* relateing to the repaireing of a Bridge, & certain others of y^e S^d County & Inhabitants of *Lynhaven* parish relateing to the alteraçon of the bounds of *Norfolke* & *Princess Anne* were severally read being referred by the Councill to y^e confideraçon of the house, & then Comitted to the Comitte of Grievances & proposiçons to reporte their Opinions therein.

Ordered that when the S^d Comitte enter upon the confideraçon of the S^d proposiçons of *Norfolke* & *Princess Anne* Counties, notice be giuen to the Burgeßes of both Counties to be present at the Same.

The proposiçons of *Elizabeth City County* read & referred to the Confideraçon of the Comitte of Grievances & proposiçons.

And then the house adjourned 'till two a clocke afternoone.

Post

Post Meridiem

THE house met & adjourned till 8 a clock tomorrow morning.

Tuesday October y^e 17th 1693

COLL *ffitz-hugh* from y^e Committee of Grievances & propoficōns reported y^t y^e S^d Committee in diuers matters to them referred had come to a refoluōn which he read in his place and then deliuered them in at the table.

Then the house took into Imēdiate confideracon y^e f^d Reports & upon confideracon of the Reporte of the S^d Committee upon a propofall from *King & Queen* County that pieces of eight might be advanced to pafs for eight Shillings & fmaller pieces proportionable, the Same was agreed to by the house, & thereupon *ordered* y^t y^e S^d propoficon be rejected.

Vpon confideracon of the Reporte of the f^d Committee upon a propofall that two looms for weauers may be fet up in every parifh at y^e Country charge the fame was agreed to by the house, who concurre with the Committee that the Same is unreasonable.

Ordered y^t y^e S^d propoficōn be rejected.

Vpon confideracon of the Report of y^e S^d Committee upon a propoficōn y^t the Law for encouragem^t of flax & hemp may be continued wth y^e addition of an encouragem^t to under takers therein, the fame was agreed to by the house who concurre with the Committee that there is fufficient provision taken already & therefore.

Ordered y^t the S^d propoficōn be rejected.

Vpon confideracon of the Report of the S^d Committee made upon the Act for Ports &c after fome time fpent in debate

Refolued y^t the house forthwth Refolue into a Committee of y^e whole house to take the Subject matter of y^e f^d Report under confideracon & accordingly the house Refolued into a Committee of y^e whole house & Coll *W^m ffitz-hugh* took y^e Chair & therein having fpent fome time, M^r *Speaker* refumed the Chair & Coll *ffitz-hugh* Reported that y^e f^d Committee having according to order taken into confideracon the matter to them referred had therein come to a refolution w^{ch} he read in his place as followeth

This Committee takeing into confideracon the fubject matter of a report of y^e Committee of Grievances & propoficons made upon their confideracon of y^e Law for Ports &c at present under fufpenfion & recomended from their Maj^{ties} to the confideracōn of this affembly have duely weighed the matter of y^e S^d Act, together with the reports of y^e Comiffion^{rs} of their Maj^{ties} customs dated at the Custom house *London* the 15th of *March* 1691/2 and the 12th of *December* 1681 relateing thereto & tranfmitted to this Country wth the f^d Act and upon confideracon & debate of the whole matter are of Opinion.

That the appointment of Ports & injoyneing the Landing and Shipping of all goods imported or to be exported at & from the fame only will (confidering the present circumftances of the Country be very injurious & burthenfome to the Inhabitants thereof and traders thereunto, which having done

The Queftion was put whether the house will agree to the faid report of the S^d Committee and it was refolued in the affirmative.

And then the house adjourned 'till two a clocke afternoone.

Post Meridiem.

MR *Speaker* acquainting the house that Cap^t *John Taylor* fince the rifing of the house in the Morning had rec^d newes y^t his brother layd a dying and desired him to moue the house for leaue to vifit him.

Leaue was giuen accordingly.

Mr Anthony Armistead & the other persons to whome was referred y^e confideraçon of y^e A^ct about Tanners &c Reported that according to order they had confidered the S^d A^ct & agreed upon Some alteraçons neceffary to be made in the Same which were read at the table.

Ordered that y^e f^d Report be referred to further confideraçon.

Then the house proceeded in the confideraçon of the Reports of the Co^mittee of Grievances & propofitions, & upon Reporte of the f^d Co^mittee upon a complaint from *Princefs Anne* County & the Inhabitants of *Lynhaven* parifh concerning the inequallity of *Northfolke* County & *Princefs Anne* County in their divifion, the fame was agreed to by the house who concurred with the Co^mittee, that both the f^d Counties continue as now they are without alteraçon of their bounds.

Vpon confideraçon of the report of the S^d Co^mittee upon a petition of divers Inhabitants of *Princefs Anne* County wherein they complain that a Bridge of Six hundred yards long in their County convenient for paffage & tranfportaçon of goods to *Carolina* firft made & fo continued in repaire by *Lyn haven* parifh, untill *lower Norfolke* County was divided, by means whereof part of *Lynhaven* parifh lyes in *Norfolke* County and refuseth to affift in repair of the f^d Bridge the fame was agreed to by the house and thereupon *Resolved* that the Burgefies of *Princeffe Anne* County haue leaue to bring in a byll for the equall contribution of the whole parifh of *Lynhauen*, whether Inhabitants of *Northfolke* or *Princefs Anne* County towards the repairing of the f^d Bridge.

Vpon confideraçon of the Report of the S^d Co^mittee upon the propoficon for a law to prohibit the exportaçon of bulke tobacco, after a long debate about the Same.

The Queftion was put whether the Exportation of tobacco in bulk fhall be prohibited and it paffed in the Negatiue.

Vpon confideraçon of the reporte of the S^d Co^mittee upon a propoficon relateing to the repealeing of y^e A^ct for advancem^t of Manufactures of the Growth of this Country.

Resolved y^t a byll be prepared for repealing the A^ct made at *James City* 1691 entituled *an A^ct for Reviveing the A^ct for advancem^t of Manufactures of y^e Growth of this Country* & y^t y^e Clarke of y^e house draw the Same.

Vpon confideraçon of y^e Report of the S^d Co^mittee made upon that part of his Excellencies Speech which relates to the Revifall of y^e Laws the Same was agreed to by the house who thereupon, *Resolved* y^t the Revifall of y^e Laws is a worke abfolutely Neceffary.

Then a debate arifeing concerning divers matters relateing to the progreff & for the better & more Speedy accomplifhing of the Same after fome time fpent therein.

Ordered that the further debate thereof be adjourned till tomorrow morning.

Vpon a propoficon made in the house concerning Lands laid out taken up & paid for by Virtue of the 8th A^ct of affembly 1691 Entituled *an A^ct for Ports &c* and the former A^ct for cohabitation Anno: 1680 and for Saveing & Secureing the feveral persons who in purfuance of the S^d Laws or either of them haue erected any buildings upon them the Same is referred to the Co^mittee of Grievances & propofitions to confider & report what they fhall find neceffary to be done therein.

And then the house adjourned till 8 a clocke tomorrow morning.

Wednesday October the 18th 1693

THE house entered into the adjourned debate about the method for Revifall of the Lawes and after fome time Spent therein agreed upon a Quftion to be put, and the S^d queftion being accordingly put *Viz^t* whether the house will proceed in the Revifall of the Lawes this Seffion.

Resolved in the affirmative.

Resolved that a written meffage be forthwth prepared to be fent to y^e Councill to acquaint them with the Vote of this house concerning the Revifall of the Lawes, and to pray

pray their hono^r to Signifie to the house in what manner they will please to assist in the Same and accordingly an addres was drawn at the table read and approued in these words.

May it pleas yo^r Honno^r

The house of Burgeesses have this day Resolued to proceed forthwith in the Revifall of the Lawes of this Country, in which worke yo^r Hono^r having been pleased the last Session of Affsembly to Say you would be ready to contribute your assistance, they therefore make this application & pray your Hono^r will be pleased now to Signifie to this house in what manner you think fit to assist in the Same, to the end that being made Sensible thereof they may accordingly proceed towards the accomplishment of that neccessary worke.

And then the house adjourned 'till two a clocke afternoon.

Post Meridiem.

ORDERED that M^r Armistead, M^r Hardidge, M^r Catlet, & M^r Basset carry to the Council the message prepared this morning for their assistance in the Revifall of the Lawes.

Then the house proceeded in consideration of the remaineing part of the Report of the Committee of Grievances & propositions and upon consideration of the reporte of the f^d Committee upon that part of his Exc^ys Speech relating to the building of a fuitable house for the Residence of the Governo^r

Resolued that it is necessary an house for the Gouvernor be provided with all convenient expedition, that the Governors land in *James City* County is the most proper place to build the same upon, and that his Exc^y be addrest to haue the same done as soon as their Maj^{ties} Revenue appropriated to defray the contingent charges of this Gouvernm^t is capable to bear the charge.

Then Coll *ffitz-hugh* from the Committee of Grievances & propositions Reported that the f^d Committee had according to the order of the house prepared two bylls. *Viz*^t

A byll for continuing y^e Rangers at the heads of y^e four gr^t Rivers

A byll for y^e encouragem^t of the manufacture of Linen which he delivered in at the table. then

The byll for continuing the Rangers at the heads of y^e four great Rivers was ready y^e first time.

Resolued that the S^d byll be read a Second time

A byll for the encouragem^t of the Manufacture of Linen read the first time. *Resolued* that y^e f^d byll be read a Second time

The house adjourned till 8 a clock to morrow morning.

Thursday October the 19th 1693

THE house met & adjourned 'till tomorrow morning 8 a clock.

ffriday October y^e 20th 1693

THE petition of W^m Kendall Sherrif of Northampton County wherein he prayes to be allowed 5999^{ba} of tobacco being his acco^t of expence & fees for the prosecution of *Tom Cary* a Criminall Slave & the S^d Acco^t & the severall articles thereof being read.

Resolued that no part of the charge mentioned in the f^d account except the charge of obtaining the comission of Oyer & Terminer ought to be defrayed by the Country & that y^e lawfull charge of prosecuting the f^d Criminall is a County charge.

The

The petition of *Daniell Neech* Clerke of *Northampton* County Court for allowance of 1085^{1b} tobacco for Clerks fees upon the prosecution of *Tom Cary* a Criminall Slaue being read

Resolved that all lawfull fees due to the S^d Clerke for the f^d prosecution is a County Charge & ought to be defrayed by the County accordingly.

A message from his Excellencie & Council by M^r *Sherlocke*

M^r *Speaker*

I am comāded by his Exc^r & Council to deliuer you these papers which his Exc^r and the Council, have referred to the confideraçon of this house, and the Same being a Memoriall concerning the busines of the Colledge of *William and Mary* in *Virginia* a copy of Severall propoñs heretofore presented to the generall Assembly relateing thereto, and the petition and account of M^r *James Blair* concerning that affair were severally read, at the table.

A message also from the Council by M^r *Sherlocke* who delivered at the table a written answer to the addres of the house about their Hono^r assistance in the Revifall of the lawes, which was read in these words

By the Council

M^r *Speaker*

We Receiued a Resolue of the house of Burgeffes last night touching the Revifall of the Lawes of this Country to our great satisfaction being equally Sencible with you of the great usefullness of that worke, and as to the way of our contributeing assistance, we propose, that the Revifall of the f^d Lawes proceed in the Same steps they were made *Viz* that they pass the house of Burgeffes first and then be transmitted to this board from whence they shall receive all due dispatch.

Signed by order of the Council

October y^e 19th 1693

James Sherlocke Cl G: Assembly

Resolved that a Comitte be appointed to take the Revifall of the lawes of this Country under confideraçon.

Ordered that the Comitte of Grievances and propoñs with the addition of M^r *Aurthur Spicer* be a Comitte for the Revifall of y^e lawes, and that they forthwith enter upon the S^d worke, & as they proceed therein, make their Report to the house.

Then the Memoriall concerning the busines of the Colledge with the Severall other papers brought this day into the house by M^r *Sherlocke* relateing thereto & referred & recommended by his Excellencie and Council to the confideraçon of this house were respectiueley read

And the house being informed that M^r *James Blair* attended at the door, with divers more of the Govern^{rs} of the Colledge, order was given for their being called in, where being admitted, M^r *Blair* addrest himself to M^r *Speaker* & acquainted the house, that being heretofore by order of the Generall Assembly imployed for the foliciting the busines of a free Schoole & Colledge at the Court of *England* he had accordingly endeavoured & obtained from their Maj^{ties} an ample Charter for erecting & endowing the Same which Charter the Governo^{rs} of the f^d Colledge who accompanied him had brought into y^e house, to lay before them, to the end it might thereby fully appear to this Generall Assembly what their Maj^{ties} had been graciously pleased to grant & give, And they being withdrawn, the f^d Charter was read before the house, and the Same together with the severall papers relateing thereto referred by his Excellencie & Council to the Confideraçon of this house, referred to be further considered on *Wednesday* next in the morning.

Cap^t *James Ransone* being ill moved the house for leave to goe home for recovery of his health, and leave was given accordingly

And then the house adjourned till two a clocke. afternoone.

Post Meridiem.

THE house met and adjourned till tomorrow morning 9 a clocke.

Saturday

Saturday October y^e 21st 1693

THE return upon the writ for election of a Burgeſſes in *Yorke County* to ſerue in this Affembly in the Room of *Mr Daniell Parke* who made his Election to ſerue for *James City County* was read & allowed.

The petition of *Mr Secretary Wormely* for a Suitable allowance for tranſcribing & conveying of 369 military Comiſſioners to the reſpective officers within this Governm^t being by his Exc^y & Councill referred to the houſe was read & referred to the conſideration of the Comiſſtee of publicke Clai mes.

The petition of the Queen of *Weyonoake* for her ſelfe & Indians y^t they may have two years time to kill & diſpoſe of their hoggs, at preſent under another marke then what *Surrey County Court* lately affigned &^c being referred by his Exc^y & Councill to the houſe was read & referred to the conſideraçon of the Comiſſtee of Publicke Clai mes.

Mr ffitz-hugh from the Comiſſtee appointed for the Revifall of y^e Lawes of this Country Reported y^t y^e S^d Comiſſtee had made a ſmall progreſſ therein, & prepared ſome bylls w^{ch} they directed him to preſent to the houſe, and the f^d bylls being.

A byll for building Churches & Chappels

A byll for the laying out of Glebes in each pariſh, & aſcertaining Miniſters Sallary.

A byll ſhowing how Miniſters muſt be quallified & by whom inducted.

A byll appointing the Liturgy to be read.

A byll appointing Miniſters to preach weekly & duely to adminiſter y^e Sacram^{ts}

A byll for y^e effectuall Suppreſſing y^e prophanaçon of y^e *Sabaoth* day, curſing & ſwearing and drunkennels. A byll appointing Veſtries.

A byll appointing Church Wardens to keep y^e Church in repaire & to provide books & ornam^{ts} for the ſame.

A byll appointing Regiſters to be kept by the Miniſters or Readers in each pariſh.

A byll prohibiting private burials.

A byll appointing Marriages to be made by Miniſters only & to be authorized either by Lycence or publiſhing the banes.

A byll declareing how Lycences for Marriages ſhall iſſue.

A byll prohibiting Servants Marriages without conſent of their Maſters.

A byll prohibiting ffornication

A byll ſetting a penalty upon perſons refuſeing to have their Children baptized.

A byll declareing that baptiſm of Slaues does not Manumit or ſet them free, and

A byll appointing the method of holding Courts were rec^d & ſeverally read the firſt time

Reſolved y^t each of the f^d bylls be read a 2^d time at the meeting of the houſe in the afternoone. And then the houſe adjourned till two a clocke afternoone.

Poſt Meridiem

THEN according to the order of the morning

A byll for building Churches & Chappels.

A byll for the laying out of Glebes in each pariſh & for aſcertaining miniſ^{ts} Sallary.

A byll Showing how Miniſters muſt be qualified & by whome inducted.

A byll appointing the Liturgy to be read

A byll appointing Miniſters to preach weekly &^c

A byll for y^e effectuall Suppreſſing the prophanaçon of y^e *Sabaoth* day &^c

A byll appointing Veſtries

A byll appointing Church Wardens to keep y^e Church in repair &^c

A byll appointing Regiſters to be kept by the Miniſters &^c

A byll prohibiting private burials.

A byll appointing Marriages to be made by Ministers only &
 A byll declareing how Lycences for Marriages shall issue.
 A byll prohibiting Servants Marriages wthout consent of their Masters.
 A byll prohibiting fornication
 A byll setting a penalty upon persons refusing to haue their Children baptised.
 A byll declareing baptism of Slaues does not manumit or set them free &
 A byll appointing the method of holding Courts, were severally read y^e the second time
 & after a small amendment made in the byll for y^e effectuell Suppressing the proph-
 anacon of the *Sabaoth* day & the byll for appointing Marriages to be made by
 Ministers only & & the byll prohibiting fornication
Resolved y^e each of y^e f^d bylls be ingrossed & have a 3^d reading.
 A byll for continueing the Rangers at the heads of the four great Riuers read y^e
 2^d time
Resolved that y^e S^d byll be ingrossed & read a 3^d time.
 A byll for y^e encouragem^t of the Manufacture of Linen cloth read y^e 2^d time &
 after amendm^t made at the table
Resolved y^e y^e S^d byll wth its amendm^{ts} be ingrossed & read a 3^d time.
 And then the house adjourned till *Munday* morning 10 a clocke.

Munday October the 23^d 1693.

A BYLL for building Churches & Chappels read y^e 3^d time & passed.
 A byll for y^e laying out of Glebes in each *¶*ish & for ascertaining minist^{rs}
 Sallary read y^e 3^d time & passed.
 A byll showing how Ministers must be quallified & by whome inducted
 read the 3^d time & passed.
 A byll appointing the Liturgy to be read, was read y^e 3^d time & passed.
 A byll appointing Ministers to preach weekly & duely to administer the Sacraments,
 read y^e 3^d time & passed.
 A byll for y^e effectuell Suppressing y^e prophanacon of y^e *Sabaoth* day, cursing fwear-
 ing & drunkenness, read y^e 3^d time & passed.
 A byll appointing Vestries read y^e 3^d time & passed.
 A byll appointing Church Wardens to keep the Church in repair & to provide books
 & Ornaments for y^e Same read y^e 3^d time & passed.
 A byll appointing Registers to be kept by y^e Ministers or Readers in each *¶*ish
 read y^e 3^d time & passed
 A byll prohibiting private burials read y^e 3^d time & passed.
 A byll appointing Marriages to be made by ministers only & to be authorized
 either by Lycence or publishing the banes, read y^e 3^d time & passed.
 A byll declareing how Lycences for Marriages shall issue read y^e 3^d time & passed.
 A byll prohibiting Serv^{ts} Marriages wthout consent of their Masters read the 3^d
 time & passed.
 A byll prohibiting fornication read y^e 3^d time & passed
Resolved y^e y^e title of y^e S^d byll be *An Act against ffornication.*
 A byll setting a penalty upon persons refusing to haue their Children baptised
 read y^e 3^d time, & the Question being put, whether the S^d byll shall pass, it passed in
 the Negatiue.
Resolved y^e y^e S^d byll be rejected
 A byll declareing that baptism of Slaves does not manumit or set them free, read
 y^e 3^d time & passed.
Ordered that M^r Edwards, M^r Leigh, M^r Custis & M^r Buckner forthwith carry the
 severall bylls which have passed y^e house this morning to the Councill for their
 concurrence.
 And then the house adjourned, till 3 a clocke afternoone.

Post Meridiem

COLL: *fitz-hugh* from the Committee for Revifall of y^e lawes reported that that y^e S^d Committee had made a further progres in the Revifall of y^e laws & prepared divers bylls more which he delivered in at the table.

A letter from M^r *George Mason* one of y^e Burgeffes for *Stafford Countie* was read & y^e Same giving a relation y^t Sicknefs had fo long abftracted his attendance to the fervice of the houle, it was admitted for his Excufe.

A byll appointing Courts to provide law books.

A byll proportioning the iffueing of writs.

A byll afcertaining the time for fileing declarations in y^e Gen^l Courts

A byll appointing adjournm^{ts} in gen^l Courts to y^e two laft dayes of y^e Court for references &c A byll declareing how & where Criminals fhall be tryed.

A byll declareing how appeals fhall be made.

A byll appointing y^e Value each Court fhall have jurifdiction of

A byll fhewing when Subpoenas & *dedimus potestatem* fhall iffue.

A byll appointing County Courts.

A byll appointing how actions are to be entered at County Courts and what time the declaracon is to be entred

A byll appointing the declaracon & anfwer to be filed.

A byll prohibiting private Courts.

A byll appointing all tryals to be by Juries.

A byll appointing grand juries to prefent offenders.

A byll comanding pillories ftocks ducking Stooles to be erected at each Court.

A byll appointing prifons to be built in each County & afcertaining the rules.

A byll for fuppreffing of Vagabonds & binding poore Children to trades.

A byll allowing judgements acknowledged before two juftices to be good.

A byll appointing when & by whome a Superfedeas fhall be granted

A byll for y^e punifhm^t of evidences not appeareing upon Summons.

A byll fhewing how a *Dedimus potestatem* fhall iffue.

A byll impowering juftices to grant attachments.

A byll directing how Executions & attachm^{ts} granted upon an order of y^e generall Court muft iffue. and

A byll fetting forth the extenfion of Juftices warrants in the apprehenfion of Runawaies were feverally read y^e firft time.

Refolved that each of the f^d bylls be read a 2^d time tomorow morning nine a clocke.

Ordered that the Committee give their attendance at the houle tomorrow morning nine a clocke.

And then the houle adjourned till tomorrow morning 9 a clocke.

Tuesday October y^e 24th 1693

RESOLVED that it be referred to a Committee to confider of and draw up an addrefs in anfwer to his Exc^{ys} Speech made to y^e Members of this houle therein acquainting him with the Sane & all Votes of y^e houle upon confideracon thereof & the reafons for them.

Ordered that the Committee of Grievances & propoficōns prepare the addrefs accordingly

A byll for continueing the Rangers at the heads of y^e four great Riwers read y^e 3^d time & paffed y^e houle.

A byll for y^e encouragem^t of the Manufacture of Linen Cloth read y^e 3^d time & paffed y^e houle.

Ordered y^t M^r *Eps*, M^r *Cary*, M^r *Waters* & M^r *Armistead* carry the f^d two bylls to y^e Councill for their concurrence.

Then

Then according to order of Yesterday

A byll appointing the Courts to provide Law bookes.

A byll proportioning the iffueing of writs.

A byll afcertaining the time for fileing declaraçons in the Gen^l Court.

A byll appointing adjournm^{ts} in Generall Courts to y^e two laft daies of y^e Court for reference &^c

A byll declareing how & where Criminals fhall be tried

A byll declareing how appeales fhall be made.

A byll appointing the Value each Court fhall haue iurifdiction of

A byll fhewing when Subpoenas & *Dedimus potestatem* fhall iffue.

A byll appointing County Courts.

A byll appointing how açons are to be entred at County Courts & what time the declaraçon is to be entred.

A byll appointing the declaraçon & anfwere to be filed.

A byll prohibiting private Courts.

A byll appointing all tryals to be by Juries.

A byll appointing grand juries to prefent offenders.

A byll comāding pillories ftocks & ducking ftooles to be erected at each Court.

A byll appointing prifons to be built in each County &^c

A byll for y^e Suppreffing of Vagabonds &^c

A byll allowing Judgem^{ts} acknowledged before two Juftices to be good.

A byll appointing when & by whome a Superfedeas Shall be granted.

A byll for the punifhm^t of evidences not appearing upon Sumons.

A byll fhewing how a *Dedimus potestatem* fhall iffue.

A byll empowering Juftices to grant attachm^{ts}

A byll directing how Executions & attachm^{ts} granted upon an order of the Gene^l Court muft iffue and

A byll fetting forth the extenſion of juftices warrants in the apprehenſion of Runawaies, were feverally read y^e 2^d time & after Some amendm^{ts} made at y^e table in the byll for afcertaining the time for fileing declaraçons in y^e gen^l Court, the byll for declareing how appeales fhall be made, the byll Showing when Subpoenas & *dedimus potestatem* fhall iffue, the byll appointing County Courts, & the byll appointing the declaraçon & anſwer to be filed.

Refolued that each of y^e f^d bylls be ingroffed & read a 3^d time, and that the bylls wherein amendm^{ts} are made be ingroffed with the Amendments.

Coll: *ffitz-hugh* from the Comitte for Revifall of the Lawes Reported that y^e S^d Comitte had made a further progreſs in the Revifall of y^e Lawes & prepared feverall bylls which he delivered in at y^e table & they being

A byll appointing Sherrifs

A byll impoſeing a penalty upon Sherifs not makeing fufficient returns, or makeing falſe returnes

A byll appointing when the returns of *Noneſt Inventus* fhall be allowed.

A byll prohibiting arreſts to be made on *Sundayes* holidiaies at Gen^l Muſters or at y^e Eleçtion of Burgeſſes.

A byll appointing how Sherrifs & Colleçto^{rs} fhall acco^t for publicke dues & the times appointed for all perſons to demand and tender tobacco.

A byll appointing publicke Levies to be firſt paid.

A byll appointing how appraiſem^{ts} of goods ſeized by Execution fhall be made.

A byll empowering perſons under Execution to redeem their bodies with their Eſtates.

A byll impoſeing fines on Sherrifs concealeing tithables.

A byll afcertaining Sherrifs fees.

A byll appointing a Coroners fee. and a byll prohibiting Sherrifs Juſtices Clerks &^c to be attornies in the Courts where they officiate, were feverally read y^e firſt time.

Refolued y^e each of y^e f^d bylls be read a 2^d time.

And then the houſe adjourned till 3 a clocke afternoone.

Post Meridiem.

THEN a byll appointing Sherrifs

A byll imposer a penalty upon sherrifs not makeing sufficient returns or makeing false returns.

A byll appointing when the return of *Non est inventus* shall be allowed and

A byll prohibiting arrests to be made on *Sundaies* holydaies at Gen^l Mufters or at y^e Election of Burgeffes were severally read the 2^d time & after divers amendm^{ts} were made at the table in each of y^e f^d bylls.

Resolved y^t every of y^e f^d bylls wth their respective amendm^{ts} be ingrossed & read a 3^d time.

And then the house adjourned till tomorrow morning 9 a clocke.

Wednesday October y^e 25th 1693

A BYLL appointing how Sherrifs & Collecto^{rs} shall acco^t for publick dues & the times appointed for all persons to demand & tender tobaccoe read y^e 2^d time, & the Question being put whether y^e two latter clausfes of the said byll, being a direction how Sherrifs & Collectors shall acco^t for publicke dues & a proviso concerning Quit rents shall be ingrossed with the byll, it passed in the Negative.

Resolved that that part of y^e S^d byll which relates to the demand & tender of tobaccoe be ingrossed & read a 3^d time & that the title thereof be *An Act appointing y^e time for demands & tenders of tobaccoe*.

A byll appointing publick levies to be first paid read y^e 2^d time and after Some Amendm^{ts} made in y^e f^d byll at y^e table.

Ordered y^t y^e S^d byll as amended be ingrossed & read a 3^d time.

A byll appointing how appraiser^t of goods seized by Execution shall be made read y^e 2^d time & after some amendm^{ts} made at y^e table therein.

Ordered y^t y^e f^d byll wth y^e amendm^{ts} be ingrossed & read a 3^d time.

A byll empowering persons under Execution to redeem their bodyes with their Estates, read y^e 2^d time & after amendm^{ts} made at y^e table therein.

Ordered y^t y^e f^d byll wth the amendm^{ts} be ingrossed & read a 3^d time.

A byll imposer fines on Sherrifs concealeing tithables read y^e 2^d time & after some amendm^{ts} made at y^e table therein.

Ordered y^t y^e S^d byll wth the amendm^{ts} be ingrossed & read a 3^d time.

A byll ascertaineing sherrifs fees read y^e 2^d time & after an additionall fee therein inserted.

Ordered y^t y^e S^d byll as amended be ingrossed & read a 3^d time.

A byll appointing a Coroners fee read y^e 2^d time

Ordered y^t y^e f^d byll be ingrossed & read a 3^d time.

A byll prohibiting Sherriffs justices Clerks &c to be attornies in y^e Courts where they officiate read y^e 2^d time & after Some amendm^{ts} made therein at the table.

Ordered y^t y^e f^d byll wth y^e amendm^{ts} be ingrossed & read a 3^d time.

Coll: *ffitz-hugh* from y^e Committee for Revivall of y^e laws Reported that y^e f^d Committee had made some further progress in the Revivall of the Lawes & prepared divers bylls w^{ch} he delivered at y^e table & were

A byll appointing how writs for the Election of Burgeffes ought to be published

A byll appointing y^e Secretary to convey y^e writs for Burgeffes.

A byll ascertaineing the Number of Burgeffes.

A byll freeing Burgeffes & their Servants from arrests.

A byll appointing how publicke Claimes shall be certified for allowance in y^e Assembly.

A byll appointing how the list of tithables must be taken.

A byll declareing when Negroes & Molattoes are tithable.

A byll commanding *English* weights & meafures to be provided in each County

A byll empowering County Courts to grant probates of wills & Adminiftracon

A byll eftablifhing widows Dowers and

A byll requiringe y^e Courts to take care of Orphans & their eftates.

Ordered that the S^d bylls lye upon y^e table.

M^r *Randolph* from y^e Committee of publicke Claimes Reported y^e according to order the S^d Committee had taken into confideracon the Subject matter of y^e petition of y^e Queen of *Weyonoake* for herfelf & her Indians. & therein come to feverall refolutions, which he read in his place & then delivered them in at y^e table, where the fame being againe read were agreed to by the houle.

Ordered that y^e Committee for Revifall of y^e lawes when they take under confideracon y^e 2^d Act of y^e laft Affembly concerning Indians hogs add a claufe to the fame for liberty to y^e *Weyonoake* Indians to kill & difpofe of their hogs under y^e marke they now are untill the laft of *January* 1694

The confideracon of y^e Severall matters concerning the Colledge referred on *friday* laft till this morning is put off till y^e afternoone

And then the hovfe adjourned till 3 a clocke afternoone.

Post Meridiem

THE houle according to y^e order of this morning tooke into confideration their Maj^{ty} moft Gracious Charter for erecting y^e Colledge of *William & Mary* in *Virg^a* and the Memoriall & propofitions of the Gouvern^r of the fame, wherein they fignify that it is left to this Affembly to nominate a place on which the f^d Colledge is to be erected and pray their Opinions in the fame, & do propofe what they think will be moft proper funds for the Support of it.

And thereupon a debate arifeing concerning the method of proceeding *Viz^t* whether y^e place for erecting the S^d Colledge or an addition to the prefent fund for y^e neceffary Support of it fhould come firft under confideracon, after fome time fpent therein and inquiry made of M^r *Blair* Rector of the Colledge about y^e feverall contributions towards it, the houle agreed to have the queftion put, which of the two fhould be firft taken under confideracon and the fame being accordingly put.

Resolved y^e the place for erecting the f^d Colledge be firft taken into confideracon.

Then y^e houle being given to underftand from y^e S^d Memoriall that a View had been made by order of y^e Governors of the f^d Colledge of certain places w^{ch} they had heard mentioned as moft proper for the f^d defigne, and thinking it expedient y^e they fhould be heard what they had to offer concerning y^e Same.

Ordered that notice be given to the Rector and fo many of the Governo^{rs} of the Colledge of *William & Mary* in *Virg^a* as are in Towne to give their attendance at the houle tomorrow morning if they defire to be heard about the place for erecting the S^d Colledge.

Ordered y^e y^e further debate of this matter be adjourned till tomorrow morning.

And then the houle adjourned till tomorrow morning 9 a clocke.

Thursday October the 26th 1693

COLL *ffitz-hugh* from the Committee for Revifall of y^e Lawes Reported that the f^d Committee had made fome further progreff in the Revifall of the Laws & prepared divers bylls w^{ch} he delivered at the table & were

A byll for the preferueing & fecureing Orphans land.

A byll fhewing how Rights are to be proued & deferted land when to be granted.

A byll giving allowance to thofe y^e by miftake feat upon other mens lands.

A byll prohibiting Shooting or Ranging upon other mens lands.

A byll declareing land five years in quiet poffeffion to be a good bar aga^t all preten-
ders.

A byll confirming imperfect patents.

A byll declareing w^t Seating is & in w^t time it ought to be made

A byll againft fravdulent Conveyances.

A byll comāding all Conveyances made in *Engl^d* to be recorded in y^e Secretarys
office.

A byll empowering *feme Coverts* to make good acknowledgm^{ts} of y^e Sales of land &

A byll declareing the duty of Surveyors & affcertaining their fees, and

A byll appointing proceffioning.

Ordered that the f^d bylls lye upon the table.

Then according to y^e order of Yefterday the houfe refumed y^e adjourned debate
about a place for the Colledge & y^e Rector & divers of the Governors of the Colledge
who attended alfo according to order, were called into the houfe where y^e S^d Rector
having given a fhort acco^t of y^e Reafons, why libertie was left to the Affembly in their
Maj^{ty} Charter to make choice of another place if they thought fit, & read & prefented
a Memoriall concerning four places *Viz^t Middle plantation, Yorke Towne, Yorke old*
ffields, & Greens land in Glocefter County as proper places for fuch an ufe with a Narratiue
of y^e Conveniences & inconveniences of each they feverally wth drew and the houfe
tooke y^e whole matter under confideraçon, & therein having fpend fome time.

Resolved that the Lands of Coll. *Townfend* on the South Side of *Yorke River* the
place mentioned in the Charter is not a convenient place to have the Colledge erected
upon.

Then the houfe entering into the debate of another place a propoficōn was made of
the Colledge land in *Pamunkey necke* as fuitable and fit for the fame & the S^d place
being taken under confideraçon wth the other four before mentioned after the Queftion
was put for each of the Same.

Resolved y^t it is the Opinion of the houfe that *Middleplantation* is the moft conven-
ient & fit place to erect the Colledge upon & that a byll be prepared for erecting the
Same at that place, as near the Church as convenience will permit.

Ordered that y^e Clerke of y^e houfe prepare & bring in a byll accordingly.

Mr *Daniell Parke* having rec^d newes y^t a Veffell of his is lately caft afhore near y^e
Cape, defired leave to goe & looke after his concerns in y^e Same.

And leave was given accordingly

Ordered y^t y^e Clerke of the houfe enter in the Affembly bookes their Maj^{ty} moft
Gracious Charter for the erecting of *William & Mary Colledge* in *Virg^a* and with all
convenient expedition returne the Same to y^e Rector thereof

Ordered that y^e Severall matters contained in the Memoriall of the Govern^{rs} of the
Colledge not yet taken under confideraçon be referred to be confidered to morrow
morning.

A byll appointing y^e method of holding Courts read y^e 3^d time & paffed.

A byll appointing y^e Courts to provid law books. read y^e 3^d time & paffed.

A byll proportioning y^e iffueing of writs, read y^e 3^d time & paffed.

A byll afcertaining the time for fileing Declaracōns in y^e Generall Court read y^e 3^d
time & paffed.

A byll appointing adjournm^{ts} in Gen^l Courts to y^e two laft dayes of y^e Court for
references &c read y^e 3^d time & paffed.

A byll declareing how & where Criminals fhall be tried read y^e 3^d time & paffed

A byll declareing how appeals fhall be made. read y^e 3^d time & paffed.

A byll appointing the value each Court fhall haue jurifdiction of read y^e 3^d time &
paffed.

A byll fhewing when Subpoenas & *Dedimus potestatem* fhall iffue read y^e 3^d time
& paffed.

A byll appointing County Courts read y^e 3^d time & paffed.

A byll appointing how actions are to be entered at County Courts & what time the Declaracon is to be entered, read y^e 3^d time & passed.

A byll appointing the Declaracon & answer to be filed read y^e 3^d time & passed.

A byll prohibiting private Courts read y^e 3^d time & passed.

A byll appointing all tryals to be by Juries. read y^e 3^d time & passed.

A byll appointing Grand Juries to present offenders read y^e 3^d time & passed

A byll comanding pillories Stocks & Ducking Stooles to be erected at each Court read y^e 3^d time & passed.

Resolved y^e y^e title to the said byll, be an *Act comanding pillories Stocks an ducking Stooles to be erected in each County.*

A byll appointing prisons to be built in each County & ascertaining their Rates read y^e 3^d time & passed

A byll for y^e Suppreffing of Vagabonds & binding poore Childeen to trades read y^e 3^d time & passed.

A byll allowing Judgm^{ts} acknowledged before two iustices to be good read y^e 3^d time & passed.

A byll appointing when & by whome Superfedeas shall be granted read y^e 3^d time & passed.

A byll for y^e punishm^t of evidences not appeareing upon Summons read y^e 3^d time & passed.

A byll shewing how a *Dedimus Potestem* shall issue, read y^e 3^d time & passed

A byll empowering Iustices to grant attachments—read y^e 3^d time & passed.

A byll directing how Executions & attachments granted upon an order of the Gen^l Court must issue read y^e 3^d time & passed.

A byll setting forth the extension of Iustices warrants in the apprehension of Run-aways. read y^e 3^d time & passed.

And then the house adjourned till 3 a clocke afternoone.

Post Meridiem

A BYLL appointing Sherrifs, read y^e 3^d time & passed

A byll imposerig penalty upon Sherrifs not makeing Sufficient returns, or making false returnes, read y^e 3^d time & passed.

A byll appointing when y^e returne of *Noneft Inventus* shall be allowed read y^e 3^d time & passed.

A byll prohibiting arrests to be made on *Sundaies* holydaies at Gen^l musters or at y^e election of Burgeffes, read y^e 3^d time & passed

A byll appointing the times for demands & tender of tobacco read y^e 3^d time & passed.

A byll appointing publicke Levies to be first paid read y^e 3^d time & passed.

A byll appointing how appraisim^t of goods Seized by Execution shall be made read y^e 3^d time & passed.

A byll empowering persons under Execution to redeem their bodies wth their estates, read y^e 3^d time & passed.

A byll imposerig fines on Sherrifs concealing tithables read y^e 3^d time and passed.

A byll ascertaining Sherrifs fees read y^e 3^d time & passed.

A byll appointing a Coroners fee read y^e 3^d time & passed.

A byll prohibiting Sherrifs Iustices Clerks &c to be attornies in y^e Courts where they officiate read y^e 3^d time & passed.

Ordered y^e Mr *Barbar*, Mr *Lee*, Mr *Thompson* & Mr *Bland* carry y^e f^d bylls and y^e severall bylls which passed the house this morning to y^e Councill for their concurrence.

And then y^e house adjourned till to morrow morning 9 a clocke.

ffriday

ffriday October the 27th 1693

MR W^m Randolph moucing y^e houle for leave to go home about his extraordinary Occations Leaue was given accordingly.

Mr *francis Eps* moueing the houle for leaue to go home upon his extraordinary Occations. Leave was given accordingly.

A byll appointing how writs for y^e election of Burgeffes ought to be published.

A byll appointing y^e Secretarys to convey y^e writts for Burgeffes.

A byll affcertaining the Number of Burgeffes.

A byll freeing Burgeffes & their Servants from arrefts.

A byll appointing how publicke Claimes shall be Certified for allowance in y^e Affembly.

A byll appointing how y^e lift of tithables muft be taken.

A byll declareing when Negroes & Molattoes are tithable.

A byll comāding *English* weights & meafures to be provided in each County

A byll empowering County Courts to grant probates of Wills & Adminiftracons.

A byll eftablifhing Widows Dowers.

A byll requireing the Courts to take care of Orphans & their eftates.

A byll for y^e preferueing & fecureing Orphans land.

A byll Showing how rights are to be proued & deferted land when to be granted.

A byll giueing allowance to thofe y^t by miftake Seat upon other mens lands.

A byll prohibiting fhooting or Ranging upon other mens lands.

A byll confirming imperfēt patents.

A byll declareing what Seating is, & in what time it ought to be made.

A byll againft fraudulent Conveyances.

A byll comāding all conveyances made in *England* to be recorded in y^e Secretaryes office.

A byll empowering *feme coverts* to make good acknowledgem^{ts} of the Sales of Lands.

A byll declareing y^e duty of Surveyers & afcertaining their fees &

A byll appointing proceffioning, were Severally read y^e 1st time & after

Some amendm^{ts} made in y^e byll appointing how writs for the election of Burgeffes ought to be published, the byll appointing the fecretary to convey the writs for Burgeffes the byll freeing Burgeffes & their Servants from arrefts, the byll comāding weights & meafures to be provided in each County, and an alteraçon in the title of y^e byll giving allowance to thofe y^t by miftake Seat upon other mens lands.

Refolued y^t each of y^e 1^d bylls be read a 2^d time & y^t the bylls wherein amendm^{ts} are made be read with the amendments.

Mr *ffitz-hugh* from y^e Comitte for Revifall of the Lawes reported that y^e S^d Comitte had made fome further progreffs in the Revifall of y^e Lawes & prepared divers bylls which he delivered in at y^e table & were

A byll declareing what fences fhall be fufficient.

A byll empowering y^e Courts yearly to appoint Surveyo^{rs} for highwaies.

A byll to prevent y^e cafting of ballaft into Rivers & Creeks.

A byll declareing how long Judgm^{ts} Specialties & acco^{ts} Shall be pleadable

A byll concerning forreign debts.

A byll declareing how far acco^{ts} & notes are pleadable aga^t dead mens eftates.

A byll ordering how phyficians & Surgeons acco^{ts} are to be made.

A byll allowing difcounts to be made in Court.

A byll allowing priority of payment to Country Credito^{rs} &^c

A byll declareing y^t marking tobacco transfers y^e property.

A byll appointing Attornies for forreigners to giue Security to pay all cofts & damages.

A byll allowing 15 ³/₄ C^t damages upon protefted bylls of Exc^b and

A byll regulateing the fizes & tares of tobacco hogheads.

Ordered y^t the Said bylls lye upon y^e table.

Ordered y^t the confideraçon of the remaining part of the Memoriall concerning the Colledge referred yefterday to this morning be put off till *Tuesday* next in the morning.

And then the houle adjourned till two a clocke afternoone.

Post

Post Meridiem

- A** BYLL declareing w^t fences shal be sufficient
- A byll impowering the Courts yearly to appoint Surveyo^rs for highwayes.
- A byll to preuent casting of ballast into Rivers & Creeks.
- A byll declareing how long Judgm^ts Specialties & acco^{ts} shal be pleadable.
- A byll concerning forreign Debts.
- A byll declareing how far acco^{ts} & notes are pleadable aga^t dead mens estates.
- A byll ordering how phyicians & Surgeons acco^{ts} are to be made.
- A byll allowing difcounts to be made in Court.
- A byll allowing priority of paym^t to Country Credito^rs & entertainm^t of Strangers.
- A byll declareing y^e marking tobacco transfers y^e property.
- A byll appointing Attornies for forreigners to giue Security to payable [pay all] cofts & damages.
- A byll allowing fifteen p C^t damages upon protested bylls of exchange and a byll regulateing y^e Size & tares of tobacco hogfheads, were severally read the first time and after amendm^{ts} made in the byll declareing w^t fences shal be sufficient and in the title to the byll allowing priority of paym^t to Country Credito^rs & Resolued y^e each of y^e S^d bylls be read a 2^d time.
- Vpon reading the Letter of Coll: *Lemuell Mafon* Signifieing his difability to attend y^e Service of the houle & praying leaue to go home for recovery of his health. Leaue was giuen accordingly.
- And then y^e houle adjourned till Seven a clocke tomorrow morning.

Saturday October y^e 28th 1693

- A** BYLL appointing how writs for y^e election of Burgeffes ought to be published
- A byll appointing the Secretary to convey y^e writs for Burgeffes.
- A byll ascertaining y^e number of Burgeffes.
- A byll freeing Burgeffes & their Servants from areft.
- A byll appointing how publicke Claimes shal be certified for allowance in the Affembly.
- A byll appointing how the lift of tithables must be taken.
- A byll declareing when Negroes & Mulattoes are tithable.
- A byll comāding *English* weights & meafures to be provided in each County.
- A byll impowering County Courts to grant probates of wills & Administracons.
- A byll establiſhing widows dowers.
- A byll requireing Courts to take Care of Orphans & their estates.
- A byll for y^e preferueing & Secureing Orphans land.
- A byll Showing how Rights are to be proved & deserted lands when to be granted.
- A byll relateing to thofe y^t by miſtake Seat upon other mens lands.
- A byll prohibiting Shooting or Ranging upon other men's lands.
- A byll declareing lands five yeares in quiet poſſeſſion to be a good barr againſt all pretend-
ders.
- A byll confirming imperfect patents.
- A byll declareing w^t Seating is & in w^t time it ought to be made.
- A byll againſt fraudulent Conveyances.
- A byll comāding all Conveyances made in *England* to be recorded in the Secretaryes
office.
- A byll empowering *feme coverts* to make good acknowledgem^{ts} of y^e Sales of Land.
- A byll declareing the duety of Surveyors & aſcertaining their fees.
- A byll appointing proceſſioning.
- A byll declareing w^t fences Shall be ſufficient
- A byll impowering the Courts yearly to appoint Surveyo^rs for highwaies.
- A byll to prevent y^e Caſting of ballaſt into Rivers & Creeks.

A byll declareing how long Judgem^{ts} Specialties & acco^{ts} shall be pleadable.

A byll concerning forreign debts.

A byll declareing how far acco^{ts} & notes are pleadable agast dead mens estates.

A byll ordering how phyficians & Surgeons acco^{ts} are to be made.

A byll allowing difcounts to be made in Court.

A byll concerning priority of payment to Country Creditors & entertainm^t of perfons without agreem^t

A byll declareing that marking tobacco transferrs y^e property.

A byll appointing Attornies for forreigners to giue fecurity to pay all cofts & damages.

A byll allowing 15 $\frac{2}{3}$ C^t damages upon protefted bills of Exch: and

A byll regulateing the Sizes & tares of tobacco hoglhd: were feverally read y^e 2^d time & after amendm^{ts} made in the title of the byll freeing Burgeffes & their Servants from arrefts, in the byll appointing how y^e Lift of tithables muft be taken, in the byll comāding *Engliſh* weights & Meafures to be provided in each County, in the byll empowering County Courts to grant probates, of Wills & Adminiftracons, in the byll prohibiting fhooting or Ranging on other men's lands, in the byll declareing lands five years in quiet poſſeſſion to be a good bar againſt all pretenders, in the byll allowing difcounts to be made in Court, & in the byll concering priority of paym^t to Country Credito^{rs} &c

Resolved that each of the f^d bylls be ingroſſed & read a 3^d time, & that the byls wherein amendm^{ts} are made be ingroſſed with y^e amendm^{ts}

Ordered y^t M^r *Anthony Holyday* have leaue to go home for recouery of his health, And then the houſe adjourned till two a clocke afternoone.

Post Meridiem.

THE houſe met & adjourned till *Munday* morning 10. a clocke.

Munday October y^e 30th 1693

COLL: *ffitz-hugh* from y^e Comitte of Grievances & propoſicōns reported y^t y^e f^d Comitte had according to order prepared an addres to his Exc^y in anſwere to his Exc^{ys} Speech made at the opening of this Affembly which he read in his place & then deliuered it in at the table where being againe read as followeth

To his Excellencie.

The Humble addres of the houſe of Burgeffes.

Theire Maj^{ties} dutifull & loyall Subjects y^e Burgeffes of this Affembly affembled having been acquainted by yō^r Exc^y at the opening of this Affembly that you had rec^d their Maj^{ties} comānds in feverall matters relateing to this their Collony & Dominion, the A^{ct} for Ports &c and the A^{ct} for reviuieing a former a^{ct}, for advancem^t of Manufactors of this Country, as by proclamation of y^e firſt of *Septb^r* laſt Sufpended till further order, but the f^d A^{cts} to be taken into further confideracōn and framed according to reports of the Comiſſioners of their Maj^{ties} Cuſtoms, tranſmitted herewith copies of y^e S^d A^{cts} for y^e better improuem^t thereof, this houſe humbly take leaue to lay before your Exc^y that they haue taken under confideracōn y^e S^d A^{ct} for Ports. &c together wth y^e reports of the Comiſſioners of their Maj^{ties} Cuſtomes relateing thereto & upon ferious confideracōn thereof, they are humbly of Opinion that (the preſent circumſtances of the Country being confidered) the appointm^t of ports & injoyning the landing & Shipping of all goods imported or to be exported, at & from the Same only would proue very burthenſome & inconvenient to y^e Country in Gen^l and have therefore conceived it moſt expedient at preſent to make no further progrefs therein.

The

The law for y^e receiueing the former Act for y^e advancem^t of y^e manufactures of this Country is a temporary law & at present lyes under a Suspension, & Seeing y^e y^e Same has been the occasion of Some dissatisfaction to the Merchants & of no advantage to or euer mad use of by any Inhabitants here, the Same is Submitted to y^e present Suspension thereof.

Your Exc^y was farther pleased to recomēd as an advantage to their Maj^{ty} Service Naviga^{ti}on of *England* & of all fair traders in tobacco the makeing of a law for the prohibiting the Exporta^{ti}on of bulke tobacco, to which this house humbly beg leave to make answer y^t it is represented to this house & by them conceiued, that the passing of Such an Act would prove inconvenient to their Maj^{ty} Intrest and prejudiciall to y^e Country in generall. The Revifall of our Lawes was likewise recomēd by yo^r Exc^y of import to all concern'd in this Collony & that y^e Same would be very acceptable to their Maj^{ty} & the house being of the Same Opinion they are now with all diligence making a progreſs therein.

The continued defence of this Country yo^r Exc^y likewise propoſed to this house in which they have taken care by the continuance of y^e laſt Act for the ſpace of one year more after y^e determina^{ti}on of y^e former. That a fuitable house might be erected & provided for the Governor, yo^r Exc^y has been pleased likewise to recomēd, which this house conceive to be a very neceſſary & uſefull worke & therefore humbly move yo^r Exc^{ys} favour & prudent care in its erection on the Governor's land in *James City County* as ſoone as their Maj^{ty} Revenue appropriated to diſcharge the contingent charge of the Governm^t will allow thereof.

The Same was approved.

Ordered y^t y^e f^d addres be forthwth fairly tranſcribed & ſent to his Exc^y.

A byll appointing how writs for the election of Burgeſſes ought to be publiſhed read y^e 3^d time & paſſed.

A byll appointing y^e Secretary to convey y^e writs for Burgeſſes read y^e 3^d time & paſſed.

A byll aſcertaineing the number of Burgeſſes read y^e 3^d time & paſſed.

A byll freeing Burgeſſes & their Servants from arreſts read y^e 3^d time & paſſed.

A byll appointing how pub: claimes ſhall be certified for allowance in y^e Aſſembly read y^e 3^d time & paſſed.

A byll appointing how the Liſt of tithables muſt be taken read y^e 3^d time & paſſed.

A byll declareing when Negroes & Molattoes are tithable read y^e 3^d time & paſſed.

A byll comāding *English* weights & meaſures to be provided in each County read y^e 3^d time & paſſed.

A byll empowering County Courts to grant probates of wills & Adminiſtrations read y^e 3^d time & paſſed.

A byll eſtabliſhing widows Dowers read y^e 3^d time & paſſed.

A byll requireing y^e Courts to take care of Orphans & their eſtates read y^e 3^d time & paſſed.

A byll for preferueing & ſecureing Orphans lands read y^e 3^d time & paſſed.

A byll Showing how Rights are to be proued. & deſerted lands when to be granted read y^e 3^d time & paſſed.

A byll relating to thoſe that by miſtake Seat upon other mens lands read y^e 3^d time & paſſed.

A byll prohibiting Shooting or ranging upon other mens lands read y^e 3^d time & paſſed.

A byll declareing land five years in quiet poſſeſſion to be a good barr aga^{tt} all pretendrs, read y^e 3^d time & paſſed.

A byll confirming imperfect patents, read y^e 3^d time & paſſed.

A byll declareing what Seating is & in w^t time it ought to be made read y^e 3^d time & paſſed.

A byll againſt fraudulent Conveyances read y^e 3^d time & paſſed.

A byll comāding all Conveyances made in *England* to be recorded in the Secretaries office, read y^e 3^d time & paffed.

A byll empowering *feme Coverts* to make good acknowledgem^{ts} of y^e Sale of land, read y^e 3^d time & paffed.

A byll declareing the duty of Surveyo^{rs} & afcertaining their fees read y^e 3^d time & paffed.

A byll appointing proceffioning read y^e 3^d time & paffed.

A byll declareing w^t fences Shall be Sufficient read y^e 3^d time & paffed.

A byll empowering the Courte yearly to appoint Surveyo^{rs} for highwaies read y^e 3^d time & paffed.

A byll to prevent y^e cafting of ballaft into Rivers & Creeks read y^e 3^d time & paffed.

A byll declareing how long Judgem^{ts} Specialties & acco^{ts} Shall be pleadable read y^e 3^d time & paffed.

A byll concerning forreign debts, read y^e 3^d time & paffed.

A byll declareing how far acco^{ts} & notes are pleadable againft dead mens eftates, read y^e 3^d time & paffed.

A byll ordering how phyficians & Surgeons acco^{ts} are to be made, read the 3^d time & paffed.

A byll allowing difcounts to be made in Court read y^e 3^d time & paffed.

A byll concerning priority of paym^t to Country Creditors & entertainm^t of perfons without agreem^t read y^e 3^d time & paffed.

A byll declareing y^t marking tobacco transfers the property read y^e 3^d time & paffed.

A byll appointing attornies for forreigners to give fecurity to pay all cofts & damages read y^e 3^d time & paffed.

A byll allowing fifteen p C^t damages upon protested bylls of exchange read y^e 3^d time & paffed.

A byll regulateing the Sizes & tares of tobacco hogfheads, read y^e 3^d time & paffed.

Then Coll *ffitz-hugh* from the Comitte for Revifall of y^e Lawes. Reported y^t the 1st Comitte had made a further progreff in the Revifall of y^e Lawes & had prepared divers bylls, which he deliuered in at y^e table & they being *Viz*

A byll againft divulgers of faife newes.

A byll punifhing offenders for defameing, the Governo^{rs} Councill & other principall officers.

A byll regulateing Ordinary keepers.

A byll directing how long Servants Shall ferue coming in w^{thout} Indenturs.

A byll prohibiting Mafters dealeing with their Servants.

A byll prohibiting Mafters cruelty to their Servants.

A byll againft Runawaies & laying a penalty upon thofe that Shall entertaine them.

A byll declareing Negroes *Moors* Molattoes, & Indians, Slaues.

A byll to prevent y^e infurrection of Negroes & for Suppreffing outlaying Slaves.

A byll for the more speedy profecution of Slaves comitting Capitall crimes.

A byll forbiding tobacco planting after the laft of *June* & prohibiting the tending of Seconds or Slips.

A byll declareing how thofe y^t take up ftray horfes, boates & the like fhall publifh the Same.

A byll allowing land for erecting Grift Mills & fulling Mills.

A byll againft exaacting Millers.

A byll againft hog Stealeing

A byll concerning the granting of paffes to perfons departing y^e Country.

A byll afcertaining y^e Secretaries fees. and

A byll for Naturalization, were feverally read y^e firft time & after fome amendm^{ts} made in y^e byll againft Runawaies &c and the byll declareing how thofe y^t take up ftray horfes, boates, & the like fhall publifh the Same.

Refolued y^t each of y^e S^d bylls be read a 2^d time.

The Committee for Revifall of the Lawes haveing moved the house for directions concerning the Act declareing the duty of Tanners Curriers and Shoemakers & the Act for making of flax & hemp both made at *James City anno 1691*

Resolved y^e boath y^e f^d Acts be left out in the Revifall of y^e Lawes now made

Ordered y^e M^r Lee, M^r Bland, M^r Thompson, M^r Waters, M^r Jenifer, & M^r Cant do forthwth carry to the Councill, the severall bylls which this day passed the house for their concurrence and y^e y^e f^d persons tomorrow morning present the addrefs of this house to his Exc^y drawn up for an answer to his Speech at y^e opening of y^e Assembly.

And then y^e house adjourned till tomorrow morning 9 a clock.

Tuesday October the 31th 1693.

INFORMACON being made by M^r Kemp a Member of the house that on *Sunday* last *Thomas Rooke* offered divers abuses to him both by reproachfull language & words & by strikeing his person, which as a Member he looked upon to be his duty to acquaint the house with the same being a great Violation of their privileges.

Ordered y^e y^e S^d M^r Kemp with all convenient expedition provide a Memoriall of y^e Severall circumstances and passages of y^e S^d action & abuse given by the S^d Rooke, to the end the house may be more fully informed of the whole matter & Such proceedings made therein as the meritt of y^e fact requires.

Ordered that the consideraçon of y^e part of the memoriall concerning the Colledge referred to this morning be further put off till the afternoone.

Ordered y^e y^e matter of y^e informaçon concerning M^r Rooke be taken into further consideraçon in the afternoone.

A byll against Divulgers of false newes.

A byll punishing offenders for defameing the Gover^{rs} Councillo^{rs} & other princip^l officers.

A byll regulateing Ordinary keepers.

A byll declareing how long servants shall serve coming in wthout Indenture

A byll prohibiting Masters dealeing with their Servants.

A byll prohibiting Masters cruelty to their Servants.

A byll against Runawayes & laying a penalty upon those y^e shall entertain them.

A byll declareing Negroes Moores Molattoes & Indians Slaves.

A byll to prevent the insurrections of Negroes & for suppressing outlaying Slaues.

A byll for the more Speedy prosecution of Slaues committing Capitall Crimes.

A byll forbiding tobacco planting after y^e last of *June* & prohibiting the tending of Seconds or Slips.

A byll declareing how those y^e take up stray horses & cattle boates &c shall publish y^e Same.

A byll allowing land for erecting grist mills & fulling mills.

A byll against exacting Millers.

A byll against hog stealeing.

A byll concerning y^e granting of paffes to persons departing y^e Country.

A byll ascertaining the Secretaries fees. and

A byll for Naturallization. were severally read y^e 2^d time & after amendm^{ts} made in the byll punishing offenders for defameing the Govern^{rs} Councillo^{rs} & other principall officers, an additionall clause to the byll to prevent y^e insurrections of Negros &c & amendm^{ts} to the byll against hog stealeing and the byll ascertaining the Secretaries fees wth an alteration of its title

Resolved y^e each of the f^d bylls be ingrossed & read a 3^d time, and y^e y^e severall bylls wherein amendm^{ts} are made be ingrossed with the amendm^{ts}

Coll: *W^m ffitz-hugh* from the Committee for Revifall of y^e Lawes Reported y^e y^e f^d Committee had prepared divers bylls w^{ch} he delivered in at y^e table, and they being.

A byll for pieces of eight to pafs for five Shillinge

A byll for y^e better Supply of y^e Country with Armes, Amunition & farniture.

A byll giving a reward for killing of Wolues.

A byll restraining the impreffing of timber boates &c

A byll for Raifeing a publicke Revenue for y^e better fupport of y^e Governm^t

A byll for Collectors fees.

A byll forbiding *Maryland* Veffells trading into this Country without making due entry, & a byll concerning Indians, were feverally read the first time, and after amendments made in the byll, for pieces of eight to pafs for five Shillinge & y^e byll restraining the impreffing of timber boates &c

Resolved y^t each of y^e f^d bylls be read a 2^d time.

Mr *John Custis* acquainting the house that he had received an acco^t of his wife & families being very Sicke, & moveing the house for leaue to visit them. Leaue was given accordingly.

And then the house adjourned till two a clock afternoone.

Post Meridiem.

THE house according to the order of the morning takeing into confideraçon the matter of Mr *Kemps* informaçon concerning divers abuses offered him by *Thomas Rooke*.

Ordered y^t Mr *Speaker* issue out his warrant directed to the messinger attending this house forthwth to take the S^d *Thomas Rooke* into his Custody there to remain untill he shall receive further order from the house.

Mr *Randolph* from the persons apointed to prepare an addres to his Exc^y for the taking off y^e restraint laid upon Surveyo^{rs} concerning Land on the South Side *Black Water* Swamp reported that they had prepared an addres accordingly which he read in his place & then delivered it in at the table where being again read as followeth.

To his Exc^y S^r Edm^d Andros Kn^t their Maj^{ty} Lieu^t & Govern^r Gen^l of Virg^a

The humble addres of y^e house of Burgeffes.

May it please your Excellencie.

It having been presented to this house as a Grievance that the Inhabitants of this Country are hindred from taking up and patenting the lands lying on y^e South Side of the *Blackwater* Swamp occasioned by an order of the Gen^l Court bearing date y^e 16th of *Aprill* Anno 1690. whereby the Surveyo^{rs} are restrained from Surveying any land there, which restraint were it taken off would (as is humbly conceiued) much increafe & augment their Maj^{ty} Revenue of y^e Quit rents and encourage the Seating of those Southern parts of this their Maj^{ty} Governm^t to the great benefit of the fame & Satisfaction to the Inhabitants thereof.

This house doth therefore humbly submit the confideraçon thereof to yo^r Exc^y and pray that y^e f^d restraint on y^e Surveyo^{rs} may be taken off and the Inhabitants permitted to enter for & take up any of the f^d Lands, and likewise any the Lands in *Pamunkey Necke*, as in other parts of *Virg^a* was approued.

Ordered y^t the f^d addres be fairly transcribed & that Mr *Randolph*, Mr *Taylor*, Mr *Eps*, Mr *Bland*, Mr *Swan*. Mr *Baker*. & Mr *Story* carry the same to his Exc^y.

Then according to order y^e house proceeded in the confideraçon of y^e remaining part of y^e Memoriall of the Govern^{rs} of y^e Colledge & upon confideraçon of a proposiçon therein contained, that an Act of Assembly be passed for exempting the Masters, Scholars, Artificers & workmen to be employed about the Colledge from Levies, sometime being spent in debate thereof.

The Question was put whether the house will agree y^t a byll be drawn. according to y^e f^d proposiçon. And it passed in the Negative.

Then

Then upon confideraçon of another propoſiçon in the ſ^d Memoriall, y^e for a fund to the Colledge an Impoſition of 7 ½ ^Þ Cent might be laid on all Skins & furrer exported out of this Collony.

Reſolved y^e a byll be prepared for laying an Impoſition of 7 ½ ^Þ C^t upon all Skins & furrer to be exported out of this Colony to be wholly appropriated towards the Support & maintenance of the Colledge, and that it be referred to the Comitte of Grievances & propoſiçons to draw the Same

And upon confideraçon of another propoſiçon in the ſ^d Memoriall for a further fund out of an Impoſition to be laid upon liquo^{rs} after a long time ſpent in debate about the Same and whether at preſent there is a neceſſity of raiſeing a greater fund for y^e erecting & Support of the Colledge, y^e houſe agreed upon a queſtion to be put in theſe words.

Whether an Impoſition upon Liquo^{rs} Shall be continued.

And the Same being put accordingly it paſſed in the Negative.

Ordered that y^e Comitte for publicke Claimes take into confideraçon, the petition of Mr *James Blair*, inſpect y^e Severall acco^{ts} of diſburſm^{ts} made in the managem^t of the Colledge affaire, the ſeverall papers preſented by Coll: *Cole*. to this Aſſembly relateing to monies remitted by him to *England*, purſuant to Order of former Aſſemblies together with all other papers which concerne y^e Colledge, and lye before the houſe, and thereupon draw up a Report of what they find neceſſary for the confideraçon of the houſe.

Ordered y^e the Comitte for Publicke Claimes at ſome ſuitable & convenient time take of Coll: *Henry Whiteing* an acco^t of the impoſition of 4^d ^Þ Gall. in his hands, giving him notice to provide the ſame that it may with all convenient expedition be laid before the houſe.

The meſſenger informing the houſe that he had taken into his Cuſtody *Thomas Rooke* according to the precept directed to him.

Ordered y^e it be referred to Coll: *ffitz-hugh*, Mr *Edwards* Mr *Leigh*, and Cap^t *Duke* to conſider of & draw up & preſent to the houſe a ſtate of the matter for which Mr *Rooke* ſtands now comitted, as they ſhall find it from the Examination of evidence relateing thereto, together with a report of their Opinions in what Method the proſecution of him ought to be proceeded in.

A byll for pieces of eight to paſs for five ſhillings.

A byll for y^e better Supply of y^e Country wth Armes, amⁿition & furniture.

A byll giueing reward for killing Wolues.

A byll reſtraineing y^e imprefs of timber boates &c

A byll for raiſing a publicke revenue for y^e better Support of y^e Governm^t

A byll for Collectors fees.

A byll forbiding *Maryland* Veffells tradeing into this Country w^{thout} making due entry &

A byll concerning Indians. were ſeverally read y^e 2^d time, and after amendm^{ts} made in the byll reſtraineing the imprefs of timber &c and the byll concerning Indians.

Reſolved that each of the ſ^d bylls be ingroſſed & read a 3^d time, & that the bylls wherein amendm^{ts} are made be ingroſſed wth the amendm^{ts}

And then the houſe adjourned till 9 a clocke to morrow morning.

Wednesday Novemb^r y^e 1st 1693.

A BYLL againſt Divulgers of falſe newes read y^e 3^d time & paſſed.

A byll puniſhing offenders for defameing the Gover^{rs} Councillo^{rs} & other principal officers read y^e 3^d time & paſſed.

A byll regulateing Ordinary keepers read y^e 3^d time & paſſed.

A byll declareing how long Servants, Shall ſerve coming in w^{thout} Indenture read y^e 3^d time & paſſed.

A byll prohibiting Maſters dealeing wth their Serv^{ts} read y^e 3^d time & paſſed.

A byll prohibiting Masters cruelty to their Serv^{ts} read y^e 3^d time & passed.

A byll against Runawayes & laying a penalty upon those that Shall entertaine them, read y^e 3^d time & passed

A byll declareing Negroes, *Moore*s Molattoes, & Indians Slaues read the 3^d time & passed.

A byll to prevent the Infurrections of Negroes & for suppreffing outlying Slaves read y^e 3^d time & passed.

A byll for y^e more Speedy profecution of Slaues Comitting Capitall crimes read y^e 3^d time & passed.

A byll forbiding tobacco planting after y^e last of *June* & prohibiting the tending of Seconds or Slips, read y^e 3^d time & passed.

A byll declareing how those that take up stray hofes & cattle boates &c shall publish the Same, read y^e 3^d time & passed.

A byll for allowing land for erecting Grift Mills & fulling Mills read y^e 3^d time & passed.

Resolved y^e the title of y^e 1st byll be, *An Act allowing Land for erecting Grift Mills, fulling Mills & Court houses.*

A byll against exacting Millers read y^e 3^d time & passed.

A byll against hog stealing read y^e 3^d time & passed.

A byll concerning the granting of passes to persons departing y^e Country read y^e 3^d time & passed.

A byll ascertaineing the Secretaries Clerks of County Courts, & Clerke of y^e Affem-bleys fees read y^e 3^d time & passed.

A byll for Naturalization read y^e 3^d time & passed.

A byll for pieces of eight to pass for five Shillings read y^e 3^d time & passed.

A byll for y^e better supply of the Country with armes ammunitiō & furniture read y^e 3^d time & passed.

A byll giving reward for killing Wolues, read y^e 3^d time & passed.

A byll restraining the imprefs of timber boates &c read y^e 3^d time & passed.

A byll for raising a publicke Revenue for y^e better Support of y^e Gouvernm^t read y^e 3^d time & passed.

A byll for Collectors fees read y^e 3^d time & passed.

A byll forbiding *Maryland* Veffells, trading into this Country wthout making due entry, read y^e 3^d time & passed.

A byll concerning Indians read y^e 3^d time & passed.

Ordered y^e y^e persons appointed to carry to his Exc^y the addres for liberty to take up lands on y^e South side of *Blackwater* Swamp &c carry the Severall bylls this day passed to the Councill for their concurrence.

And then the house adjourned till tomorrow Morning 9 a clocke.

Thursday Novemb^r y^e 2^d 1693

COLL: *fitz-hugh* from the persons appointed to examine & state the business concern-
ing M^r *Rooke*, Reported that they had accordingly drawn up a Reporte &
State of y^e matter as they found it from evidence and the confession of M^r
Rooke which he read in his place, & then deliuered it in at the table, where
being again read, M^r *Rooke* was brought before the house, & heard what he had to offer
for his defence or to Extenuate his crime & being wth drawne y^e house tooke y^e matter
of y^e 1st report under consideraōn & therein haueing Spent Some time.

Resolved & accordingly ordered that M^r *Thomas Rooke*, for his fever^l abuses to the
members of y^e house in gen^l on his bended knees acknowledge his offence, & beg the
pardon of the house in Such words. a [as] Shall be appointed and that for the personall
abuse given M^r *Kemp* a memb^r of the house, he aske his forgiveness in particular, and
that he remaine in the Messingers Custody till further order.

And

And thereupon a Certaine forme being prepared, M^r *Rooke* was again called before the house, where M^r *Speaker* acquainting him wth y^e resolution of the house, he submitted thereto and accordingly on his bended knees pronounced & declared the words following having first set his hand to y^e Same.

I *Thomas Rooke* acknowledge y^t on *Sunday* y^e 29th of *October* I did not only greatly abuse M^r *Mathew Kemp* a worthy member of this worp^h house by divers unbecoming & grosse words & Speeches not fit to be repeated but then also did utter & declare Severall expreffions against the hono^r of the Members of this house in gen^l of which haueing now a deep Sence & abhorrence & out of a true & vnfeigned Sorrow and repentance for y^e Same I doe humbly on my bended knees beg the favourable censure of this worshipfull house & that this house will be pleased to accept of my hearty contrition & promise for y^e future to behaue my Selfe with all due reverence towards the representatiues of this their Maj^{ty} most antient Colony & Dominion. And was then remanded into Custody till further order.

M^r *Randolph* acquainted y^e house y^t he had been wth Coll. *Whiteing* for his acco^t of y^e imposition of Lique^{rs} in his hands, to which he had answer from him y^t as yet he had not rec^d y^e Collecto^{rs} Severall acco^{ts} concerning y^e Same but as soon as they should be giuen to him he would prepare his acco^t to lay before y^e house.

And then the house adjourned till 3 a clock afternoone.

Post Meridiem

A PETITION of M^r *Thomas Rooke* was read & y^e Same containeing an humble submission to y^e Censure of y^e house and an earnest Supplication for his enlargem^t upon considera^{cion} thereof.

Ordered y^t y^e S^d M^r *Rooke* be discharged out of Custody paying fees.

A Message from his Exc^v by M^r *Sherlocke*

M^r *Speaker*. His Exc^v comāds the Immediate attendance of this house upon him in the Councill Chamber, and accordingly the house went to attend his Exc^v and they being returned, M^r *Speaker* haueing acquainted the house according to the best of his remembrance with the heads & Substance of his Exc^{ys} Speech.

Resolved that his Exc^v be adrest that he will be pleased to communicate to the house in writing the Substance of his Speech this day deliuered to them in the Councill Chamber, & favour the house wth her Maj^{ty} Letter or a copy thereof relateing to the same.

Ordered that Coll: *ffitz-hugh* M^r *Leigh*, M^r *Park*, M^r *Taylor*, M^r *Edwards* & M^r *Randolph* address his Exc^v accordingly

A message from his Exc^v in Councill was brought into the house by M^r *Sherlocke* & the Same being an answer to y^e address of the house of y^e 31th of *October* for liberty to take up lands on y^e South Side *Blackwater* & *pamunkey necke* was read as followeth.

M^r *Speaker*.

ffor answer to y^e house of Burgeffes their address of of y^e 31th of *October* last praying liberty y^t the Inhabitants may be permitted to take up lands on the South side of *Blackwater* & in *pamunkey Necke* with y^e advice of y^e Councill I think it necessary to remind you, that their Maj^{ty} having by their Royall Charter granted to the Colledge ten thousand Acres of Land on *Blackwater* & y^e like quantity in *pamunkey necke*, those Lands ought to be first laid out & then further direction will be given therein

By his Excellencies Comānd in Councill

Novemb^r 2^d 1693

James Sherlocke Cl G: Assembly

A Message from y^e Councill by M^r *Sherlocke*

M^r *Speaker*. I am comāded by y^e Councill to returne you these bylls with their amendm^{ts} & they being

A byll for Churches & Chappels

A byll for laying Glebes out in each Parish & for ascertaineing y^e Minist^{rs} Sallery.

A byll Showing how Ministers muſt be quallified & by whome inducted.
 A byll appointing the Liturgy to be read
 A byll appointing Miniſters to preach weekly & duely to adminiſter y^e Sacram^{ts}
 A byll for y^e effectuell ſuppreſſing the prophanacon of the *Sabaoth* day &
 A byll appointing Veſtries.
 A byll appointing the Church Wardens to keep y^e Church in repair &
 A byll appointing Regiſters to be kept by y^e Miniſters or readers in each Pariſh.
 A byll prohibiting private burials.
 A byll appointing Marriages to be made by Miniſters only & to be authorized
 either by Lycence, or publiſhing the banns.
 A byll declareing how Lycences for Marriage ſhall iſſue.
 A byll prohibiting Servants Marriages without conſent of their Maſters.
 A byll againſt fornication, and
 A byll declareing that baptiſm of Slaues does not. manumit or ſet y^m free.
 the ſeveral amendm^{ts} thereto were read & ordered to be taken into conſideracon to
 morrow morning.
 And then the houſe adjourned till to morow morning 9 a clocke.

ffriday Novemb^r y^e 3^d 1693.

MR Daniell of St Thomas Jenifer having by his letter ſignified y^t he is very ſicke & therein deſiring leaue to go home for recovery of his health. Leauē was given accordingly.

Then according to order the houſe entered into y^e conſideracon of ſeverall amendm^{ts} propoſed to be made in divers bylls yeſterday returned from the Councill.

And the byll intituled *an Act for building Churches & Chappels* being returned agreed to wth y^e propoſicon of Severall amendm^{ts} & two new clauſes to be infered therein after y^e S^d amendm^{ts} & clauſes were read one of y^e f^d clauſes & amendm^{ts} were agreed to by the houſe & accordingly infered, but y^e other clauſe was diſagreed to, whereupon a clauſe being drawn up at the table in the room thereof as y^e houſe could agree.

Ordered y^t y^e S^d clauſe be carryed to y^e Councill wth the byll & their hono^{rs} deſired to concurre wth the houſe in y^e Same.

A byll intituled *an Act for y^e laying out of Glebes in each piſh & for aſcertaineing y^e Miniſters Sallary* returned from y^e Councill agreed to wth amendm^{ts} after y^e S^d amendm^{ts} were read part thereof being agreed to & part diſagreed to.

Resolved that a conference be held with the Councill concerning the amendm^{ts} propoſed to y^e S^d byll & not agreed to by the houſe.

A byll intituled *an Act ſhowing how Miniſters muſt be quallified & by whome inducted* returned from y^e Councill agreed to wth y^e propoſicon of amendm^{ts} after y^e S^d amendm^{ts} were read, y^e Same were agreed to by y^e houſe & y^e amendm^{ts} accordingly infered in the byll.

A by [bill] intituled *an Act appointing y^e Liturgy [Liturgy] to be read*, being returned from y^e Councill wth y^e propoſicon of amendm^{ts}, after y^e S^d amendm^{ts} was read y^e ſame was agreed to by y^e houſe & accordingly infered in the byll.

A byll intituled *an Act appointing Miniſters to preach weekly and duely to adminiſter y^e Sacram^{ts}* being returned from y^e Councill agreed to with y^e propoſicon of amendm^{ts}, after y^e S^d amendm^{ts} were read, y^e Same were agreed to by the houſe & accordingly infered in y^e byll.

A byll intituled *an Act for y^e effectuell Suppreſſing y^e prophanacon of the Sabaoth day curſeing Swearing & drunkenneſs* being returned from the Councill wth y^e propoſicon of amendm^{ts} to be made in the title & body of y^e f^d byll, after y^e S^d amendm^{ts} were read y^e Same were agreed to by the houſe & accordingly infered.

A byll intituled *an Act appointing Vestries* being returned from y^e Councill agreed to with y^e proposi^on of amendm^{ts} to be made therein & two claus^{es} to be added thereto after y^e S^d amendm^{ts} & claus^{es} were read the Same were agreed to by the houle & inferted & added to y^e byll accordingly.

A byll intituled *an Act appointing Church Wardens to keep y^e Church in repair & to provide bookes & Ornaments for y^e same* being returned from the Councill agreed to wth y^e proposi^on of Severall amendm^{ts} to be made therein, after y^e S^d amendm^{ts} were read, & part thereof were agreed to, & part disagreed to.

Resolved y^t a conference be held wth y^e Councill concerning y^e amendm^{ts} propofed in y^e S^d byll disagreed to by y^e houle

And then y^e houle adjourned till 3 a clocke afternoone.

Post Meridiem

A BYLL appointing Registers to be kept by y^e Ministers or Readers in each parish being returned from the Councill agreed to wth y^e amendm^{ts} after y^e S^d amendm^{ts} were read & disagreed to.

Resolved y^t a conference be held wth the Councill about y^e Same.

A message from his Exc^y by M^r Sherlocke.

M^r Speaker I am comanded by his Exc^y to deliver you a copy of his Exc^{ys} Speech yesterday, her Maj^{ty} letter, & a letter from y^e Govern^r of *New Yorke* together wth an acco^t of Capt. *Caryes* proceedings & y^e S^d papers being rec^d were laid upon the table.

A byll prohibiting private burials being returned from the Councill agreed to wth y^e proposi^on of divers amendm^{ts} to be made therein after y^e S^d amendm^{ts} were severally read, y^e Same were disagreed to by y^e houle.

A byll intituled *an Act appointing Marriages to be made by ministers only & to be authorized either by Lycence or publishing the banns* being returned from y^e Councill agreed to with y^e proposi^on of severall amendm^{ts} to be made both in the title & body of y^e S^d byll, after y^e S^d amendm^{ts} were read, the Same were agreed to by the houle & inferted in the byll & title accordingly.

A byll intituled *an Act declareing how Lycences for Marriages shall issue*, being returned from the Councill agreed to wth the proposi^on of amendm^{ts} & a new claus^e to be added thereto after y^e S^d amendm^{ts} & claus^e were Severally read, the Same were agreed to by the houle and inferted & added to the byll accordingly.

A byll intituled *an Act prohibiting Servants Marriages without consent of their Masters* being returned from the Councill agreed to, with the proposi^on of amendm^{ts} after y^e S^d amendm^{ts} were read, the Same were agreed to by the houle, and y^e byll accordingly amended.

A byll intituled *an Act against fornication* being returned from y^e Councill agreed to wth y^e proposi^on of divers amendm^{ts} to be made thereto, after the S^d amendm^{ts} were read, the Same were agreed to by the houle & inferted in the byll accordingly.

A byll intituled *an Act declareing that baptism of Slaues does not manumit or set them free*, returned from the Councill agreed to without amendm^{ts}

Ordered y^t y^e Comitte^e for Revifall of y^e Lawes wait upon the Councill, & acquaint them how far this houle haue agreed to y^e severall amendm^{ts} propofed by their hono^{rs} to be made in the bylls they Yesterday returned to y^e houle.

Ordered y^t y^e S^d Comitte^e desire an Immediate conference wth the Councill upon those severall amendm^{ts} propofe[d] by their Hono^{rs} to which this houle haue this day disagreed, according to y^e refoluc^ons of the houle, and that they be impowered to confere & agree about y^e Same, with their hono^{rs} as they fhall see convenient.

A motion being made by a Member of y^e houle for leaue to Cap^t *Story* being very Sicke & weake to go home for recouery of his health. Leave was given accordingly.

And then the houle adjourned till tomorrow morning 9 a clock.

Saturday

Saturday November the 4th 1693

THE house met & adjourned till *Munday Morning* ten a clocke.

Munday Novemb^r 6th 1693

MR *Randolph* from the Committee for publicke Claimes Reported that the s^d Committee had considered of the Severall matters of Claime to them referred & therein agreed upon divers resolutions, which according to the practice of preceeding Affsemblies they had entered in a booke, & directed him to present it to the house as y^e Report of the S^d Committee, and he further Reported that the Said Committee had according to order taken under their Seriovs consideraçon, severall acco^{ts} of disburfm^{ts} made by the Reverend M^r *James Blayr* in the managment of y^e Colledge affaire together with the petition of the S^d M^r *Blair* for his allowance for his trouble & Service, & there upon drawn a report, w^{ch} he deliuered in at y^e table.

Ordered that the S^d booke & reporte lye upon the table.

Coll: ffitz-hugh from the Committee for Revifall of y^e Lawes Reported that having according to order acquainted the Comitt with those Severall amendm^{ts} proposed by their Hono^{rs} to sev^{ll} bylls which the house had agreed to, they desired & held a conference about the amendm^{ts} w^{ch} were referred to a conference, and then acquainting the house with the Severall passages of the said conference, Certain amendm^{ts} concluded upon at the S^d conference to be made in the byll appointing Church Wardens to keep y^e Church in Repaire &c and in the byll appointing Registers to be kept by the Ministers or Readers in each parish were agreed to by the house & accordingly entered in the respective bylls but a debate arising concerning the amendments proposed to y^e byll for building Churches & Chappels & the byll for laying out Glebes in each P^{ar}ish &c after several questions put & directions agreed upon to be given concerning amendm^{ts} to y^e S^d byll.

Resolved y^t the s^d Committee for Revifall of y^e Lawes doe forthwth withdraw & hold a further conference touching amendm^{ts} to the s^d bylls.

And then the house adjourned till tomorrow morning eight a clocke.

Tuesday November y^e 7th 1693.

COLL. *ffit-hugh* from y^e conference wth y^e Councill about y^e amendm^{ts} proposed to y^e byll for building Churches & Chappels & y^e byll for laying out Glebes in each parish &c having reported the severall passages of y^e S^d conference, together wth an acco^t of y^e amendm^{ts} the Councill finally adhered to upon consideraçon & debate of y^e Same, y^e house agreed with the Councill & accordingly made the respectiue amendm^{ts} in y^e respectiue bylls.

Ordered that y^e managers of the conference forthwth carry the Said two bylls as amended to y^e Councill for their perusall of the Same being done according to their agreement at y^e conference.

A Message from the Councill by M^r *Sherlocke*.

M^r *Speaker*. I am comanded by their Maj^{ty} Councill, to deliver this written Message & y^e same being a Message relateing to the Votes of this house concerning ports & Bulke tobacco was rec^d & laid upon y^e table, & after some time spent in debate of other matters read as followeth.

By the Councill.

M^r *Speaker & Gent of the house of Burgeffes.*

His Exc^y having upon y^e receipt of his Maj^{ty} Comands relating to ports &c prohibition of bulke tobacco &c been pleased to lay y^e same before us, w^{ch} likewise in his speech

at

at y^e opening of this Assembly. he represented to your house & having on y^e 31th of October last received your addres relating thereto, he was likewise pleased to communicate the same to us, which we have duly weighed & considered & upon y^e whole matter have thought it our duty to remind you that y^e Generall assembly in the year 1691 framed & passed one Law intituled *an Act for Ports &c* which they conceived conduced to y^e intrest of the Country in Generall & in order that y^e Same might be confirmed by their Maj^{ty} made a particular addres therein, upon w^{ch} his Maj^{ty} tooke y^e Same under his consideraçon & finding it of aduantage to y^e Country was graciously pleased to recomend the consideraçon thereof to Severall of his Minifters & officers the Comiſſioners of their Maj^{ty} Customs & the Lords of y^e Treasury, Persons well experienced in Such affaires, who reported y^t y^e building of Towns and setting out ports & places for Shipping & landing &c is fit to be encouragd but y^t there were in y^e S^d Act severall clausēs unreasonable, upon w^{ch} his Majesty gaue his directions y^t y^e S^d law might againe be taken into consideraçon by the Councill & Assembly of this Colony, in Order to y^e frameing of it in some measure agreeable to w^t is proposed in the Report of the said Comiſſioners of y^e Customs, we are now to acquaint you that your answer to y^t part of his Exc^{ys} Speech is Somewhat Surprifeing, Seeing his Maj^{ty} was so favourable to approue of all necessary in y^e Said Act, & only to direct the modelling thereof anew, in some particulars which the Country in gen^l conceived would proue burthenfome Viz^t the leaving out y^t clause about buying & selling at y^e S^d ports, which your house make one of y^e reasons for making no further progress therein & y^e imoderate imposition upon fūrres &c which in effect would have proued a direct prohibition of their exportaçon, there has been already a great time & much expence exhausted in endeavoring a law for ports &c in this present & other former Sessions of Assembly, w^{ch} neuer yet had y^e like face & appearance of Succeeding well, the laying therefore of so considerable a byll as that for Ports (considering his Maj^{ty} favour therein) so abruptly aside, would be y^t which was never yet done in any of their Maj^{ty} Dominions whatsoever, & in probability will defeat us of the kindness intended by his Maj^{ty} who at the intercession of y^e Country hath condescended to all needfull therein, & in your answer of May y^e 11th 1688. to part of a Speech made by the L^d Howard, you have declared y^t y^e Secret & unlawfull exportaçon of bulke & other tobacco out of this Country can never by any Law be effectually prevented except certain ports & places of landing & Shipping off all goods in this Country were appointed, where the officers of their Maj^{ty} Customs might attend & would be able to prevent such frauds, by which it appears to us that ports were strenuously endeavoured for, & then a prohibition of bulke tobacco would easily have been agreed to, could meanes have been prescribed for detecting the frauds committed therein, amongst other your reasons in your answer to y^t part of his Exc^{ys} Speech relating to y^e prohibition of bulke tobacco, you say that y^e passing of Such an Act would be inconvenient to their Maj^{ty} Interest in w^{ch} wee can noe way agree, for that his Maj^{ty} as we conceived is the most competent Judge of his owne Interest & y^t Such prohibition would proue prejudiciall to this Country we likewise differ in, for that y^e exportaçon of bulke tobacco is y^e Surest means & occasion of y^e low Value of all other tobaccoes, Such exporters vending commonly at a cheaper rate then is paid by fair traders for the custome of other tobaccoes: But further you are now upon the Revifall of the body of the Lawes and passing some new, and when they are fully finished designe to addres his Maj^{ty} for the confirmaçon of them which will be hard to expect seeing what his Maj^{ty} has been pleased to recomend, meets wth no better success in yo^r house then to be totally disapproved of, for w^{ch} reasons we conceiue it absolutely necessary that you take y^e S^d Act for ports &c & the proposicon relating to y^e prohibition of the exportaçon of bulke tobacco into yo^r further consideraçon.

Dated 6th November 1693.

Signed by order of y^e Councill

James Sherlocke Cl. G: Assembly

Then a debate arising whether the S^d Message should be taken under immediate consideraçon or referred to another time.

Resolved

Resolved y^e y^e said message be taken under present consideration, whereupon the Same being accordingly taken into consideration, after some time Spent in debate y^e Question being put, whether the house will adhere to their former votes relating to ports & bulke tobacco made this Session of Assembly. *Resolved* in y^e affirmative.

And then the house adjourned till two a clocke afternoone.

Post Meridiem

HIS Excellencies Speech of y^e Second instant being read in these words.
Mr Speaker & Gentlemen of the house of Burgeses.

Having in Aprill last rec^d her Maj^{ty} commands of y^e 11th of October upon application of y^e Governo^{rs} of *New Yorke* including this Colony to assist *New Yorke* against the attempts of y^e french & Indians in money or other waies as the condition of this Governm^t would permit & as soone as conveniently could be to agree wth the Governo^{rs} of *New England*, *Maryland* & *Pensylvania* upon a Quota of men or other assistance to be given by each Colony or province for the defence of *New Yorke* as occasion may require, of which to giue a speedy acco^t to y^e end such further orders may be giuen as shall be necessary for Security of *Albany* & province of *New Yorke* & also rec^d letters from y^e Govern^r of *New Yorke* representing the dangers they were in & insupportable charge of y^e present warr desiring present assistance, as directed by her Maj^{ty} I did without delay by aduice in Councill order & giue a Warrant to M^r Auditor Byrd for 600^{bs} *New Yorke* money to be forthwith advanced & transmitted to to the Governo^{rs} of *New Yorke* for their Maj^{ty} S^d Service there & upon farther application from *New Yorke* & aduice in Councill deputed Cap^t Miles Cary to *New Yorke* for adjusting a Quota as comanded, who now returned (& I only waited) gives an acco^t that some other Comissioners not meeting they could not proceed therein, but brings letters from y^e Govern^r of *New Yorke* againe representing their dangers & for suitable assistance I doe by aduice of the Councill desire yo^r present due consideration thereof being of so great import to their Maj^{ty} Service & this their Colony & Dominion not to be wanting in w^t may be necessary accordingly together wth their Maj^{ty} Letter, a Letter from y^e Govern^r of *New Yorke* an acco^t of M^r Caryes proceedings & an estimate of y^e annuall charge for y^e defence of *Albany* & Secureing the Indians & adjacent Colonies from y^e attempts of the french, after some debate & propositions concerning an answer to y^e Same.

Ordered y^e it be referred to y^e Committee of Grievances & propositions to whome is added Cap^t W^m Randolph to take the Subject matter of y^e S^d Speech Letters & papers under speedy consideration, together wth y^e present condition of this Country as it respects the same & thereupon to prepare a suitable addres to his Exc^y for answer.

Ordered y^e y^e booke of reports of y^e Committee for publicke Claimes be taken into consideration tomorrow morning.

And then the house adjourned 'till tomorrow morning 9 a clocke.

Wednesday Novemb^r y^e 8th 1693

COLL: *fitz-hugh* from the Committee appointed to prepare an addres in answer to his Exc^ys Speech of y^e 2^d instant reported y^e according to order, the said Committee had considered of y^e S^d Speech together with the Several other papers therewth referred & thereupon drawn up an addres w^{ch} he read in his place, & then deliuered it in at y^e table, where being again read in these words.

To his Excellencie

The humble addres of the house of Burgeses.

May it please your Excellencie.

Your Exc^y being pleased on 2^d instant in your Speech to this house to recomend y^e consideration of her Maj^{ty} letter bearing date at *Whitehall* October y^e 11th 1693 wherein

is

is contained that it has been represented to her Maj^{ty} in Council in y^e behalf of *New Yorke* that the same has been at great expence for y^e preferuacon & defence of *Albany* its frontiers ag^t y^e french (by the losse of w^{ch} province y^e Inhabitants of this Govern^t would not be able to live but in Garrisons) and having hitherto preferred that post the burthen thereby is now intollerable to the Inhabitants there, & therefore by her Maj^{ty} thought reasonable & necessary that this with other Govern^{ts} should be aiding & assisting from time to time to y^e Govern^r or Comander in Chief of y^e S^d province of *New Yorke*, in the maintenance & defence of it, during y^e present Warr, and upon application from y^e Govern^r or Comd^r in Chief thereof. Immediately to send such aid & assistance in men & otherwaies for y^e Security of y^e S^d province from y^e attempts of y^e french & Indians, as the Condition of this & other Govern^{ts} shall permitt & as soone as conveniently may be to agree wth other Govern^{ts} upon a Quota of men or other assistance to be given by each Colony or province for y^e defence of *New Yorke* as occasion may require.

This house humbly beg leave to acquaint your Exc^y y^t they will upon all occasions be ready with their utmost abilities to performe their duties to their Maj^{ty} in y^e defence & preferuacon of their Dominions & upon all other occasions w^t foeuer, but are humbly of Opinion y^t y^e affaires of *New Yorke* are not under such hardships & necessities as they are represented & y^t *New Yorke* & *Albany* its frontiers are not y^e bulwarke & defence of this Country for that this Govern^t neuer had any protection from or dependance upon any other place but have alwaies made it their care as much as in them lay, effectually to provide for their owne defence & are at this instant at great charge & expence in Secureing themselves from the attempts of their Indians & other enemies by keeping Souldiers in continuall pay on the frontiers of the Country & y^e dangers w^{ch} have hitherto or may in likelihood threaten y^e Govern^t are conceived Chiefly to proceed from y^e Indians that are in amity wth *New Yorke* and the present state of affairs is such in these difficult times of War, that we are not yet knowing how soon we may be exposed to greater charge by a necessity of raising more forces, w^{ch} may prove insupportable So that we are in no waies capable of assisting *New Yorke* at this Juncture of time either wth men or money

Ordered y^t y^e S^d addres lye upon y^e table till afternoone.

Then according to y^e order of yesterday y^e house entred upon consideration of y^e booke of reportes of y^e Committee for publicke Claimes & therein having made some progress, y^e remaineing part of y^e S^d Reports were referred to be read & considered in y^e afternoone.

A message from y^e Council by M^r *Sherlocke* who brought into the house two bylls Viz^t A byll for continueing the Rang^{ts} at the head of y^e four great Rivers & a byll for y^e encouragement of y^e manufacture of Linen together wth a paper of Amendm^{ts} proposed to each.

Ordered that y^e S^d bylls & papers of amendm^{ts} lye upon y^e table, & be taken into consideration in y^e afternoone.

And then the house adjourned 'till two a clocke afternoone.

Post Meridiem

THE house according to order proceeded in reading the remaining parte of y^e Reports of y^e Committee for publicke Claimes, & them having finished, y^e Same were agreed to by y^e house wth Such alteration addition & amendm^{ts} as are noted downe in the body & Margent of y^e Said Reportes.

Ordered y^t y^e Committee for publicke Claimes according to y^e proposition in their Reports affeels three monethes pay for y^e Rangers at the heads of y^e Rivers & annex y^e Same to y^e booke of Reports to y^e end so much may be raised in y^e publicke Levy for this Assembly.

Then

Then A byll continueing the Rangers at the heads of y^e four great Rivers being returned from y^e Councill agreed to, wth y^e propoficōn of amendm^{ts} to be made in y^e title & body of y^e Same, after y^e S^d amendm^{ts} were read, the fame were agreed to by the houle, and accordingly at the table inferted in the byll.

A byll for the encouragem^t of the manufacture of Linen being returned from y^e Councill agreed to, with the propoficon of amendm^{ts} after y^e S^d amendm^{ts} were read, the fame were agreed to by the houle & y^e amendm^{ts} accordingly inferted in y^e byll.

Ordered y^t Coll *ffitz-hugh* & y^e rest of y^e Comittee for Revifall of y^e Lawes carry y^e S^d two bylls back to y^e Councill for their perufall y^t y^e Same are amended according to their hono^{rs} propoficōn.

Ordered y^t y^e f^d addres to his Exc^v in anfwer to his Speech of y^e 2^d instant reported in y^e morning be fairly tranfcribed & Signed by y^e Speaker & y^t M^r *Armiftead*, M^r *Baffet*, M^r *Barbar*, M^r *Rufcow*, M^r *Cant*, M^r *Lee*, M^r *Waters* & M^r *Swan* preient y^e fame to his Exc^v tomorow morning

And then y^e houle adjourned till tomorrow morning nine a clocke.

Thursday Novemb^r the 9th 1693.

COLL *ffitzhugh* from y^e Comittee of Grievances & propoficōns Reported y^t the S^d Comittee had according to order prepared a byll laying an Imposition upon Skins & furies for y^e better fupport of y^e Colledge of *William & Mary* in *Virg^e* & y^e S^d byll being delivered at y^e table was read y^e firft time.

Resolved y^t y^e S^d byll be read a Second time.

M^r *Edmondson* acquainting the houle y^t he had rec^d acco^t of his families being dangerously Sicke & defireing leave to vifit them.

Leaue was giuen accordingly.

A meffage from y^e Councill by M^r *Sherlocke* who brought into y^e houle & delivered at y^e table eight bylls wth a paper of amendm^{ts} which were taken under immediate confidera^{cion}.

A byll intituled *an Act appointing y^e method of holding Courts* being returned from y^e Councill wth y^e propoficōn of Certain amendm^{ts} to be made therein, after y^e S^d amendm^{ts} were read, y^e Same were agreed to by the houle & inferted in y^e byll accordingly.

A byll intituled *an Act appointing the Courts to provid law bookes* was returned from y^e Councill not affented to.

A byll intituled *an Act proportioning the iffueing of Writs* being returned from y^e Councill agreed to wth y^e propofition of amendm^{ts} after the S^d amendm^{ts} was read, y^e Same was agreed to by y^e houle & the byll accordingly amended.

A byll intituled *an Act afcertaining y^e time for fileing declaracōns in the gen^l Courts* being returned from the Councill agreed to wth the propoficōn of amendm^{ts} to be made therein & a claufe to be added thereto after y^e f^d amendm^{ts} & claufe were read, the Same were agreed to by the houle, and the amendm^{ts} & claufe accordingly inferted & added to y^e byll.

A byll intituled *an Act appointing adjournm^{ts} in the gen^l Court to y^e two laft daies of y^e Court for references &c* was returned from y^e Councill not affented to.

A byll intituled *an Act how & where Criminalls fhall be tried* being returned from y^e Councill wth y^e propoficōn of amendm^{ts} & a new claufe, after the S^d amendm^{ts} & claufe were read, the Same were agreed to by y^e houle, & the amendm^{ts} & claufe inferted & added accordingly.

A byll intituled *an Act declareing how appeals fhall be made* being returned from y^e Councill agreed to wth y^e propoficōn of amendm^{ts} and two new claufes, after y^e S^d amendm^{ts} & claufes were read, the Same were agreed to by the houle & the amendm^{ts} & claufes inferted & added to y^e bylls accordingly.

A byll intituled *an Act appointing the Value each Court shall have jurisdiction of*, being returned from y^e Councill wth y^e proposi^{on} of amendm^{ts} to be made therein, after y^e S^d amendm^{ts} were read y^e Same were agreed to by y^e house, & inferted in y^e byll accordingly.

Ordered y^t y^e Committee for Revifall of y^e Lawes forthwth carry to y^e Councill the Severall bylls returned this day wth y^e proposi^{on} of Amendm^{ts} for their Satisfaction y^t y^e Severall amendm^{ts} are agreed to by the house & inferted in the bylls.

And then y^e house adjourned till two a clocke afternoone.

Post Meridiem

THE Clerke haueing according to order presented a byll ascertaining the place for erecting the Colledge of *William & Mary* in *Virg^a* the Same was read y^e first time. *Resolved* y^e S^d byll be read a 2^d time.

And then the house adjourned till 9 a clocke to morrow morning.

ffriday Novemb^r y^e 10th 1693

A MESSAGE from y^e Councill by M^r *Sherlocke* in writing & the same being read as followeth.

By the Councill

M^r Speaker & Gen^l of the house of Burgeffes.

Their Maj^{ties} having com^{and}ed y^t a Quota of men or other assistance should be given for the defence of *New Yorke* & y^e adjacent *Gouernm^{ts}* as occation may require, & his Exc^y having wth the advice of the Councill thought fit to comissionate Cap^t *Miles Cary* for adjusting a Quota as com^{and}ed we do recom^{end} to you y^e Service & charges of Cap^t *Cary* for a fuitable allowance for y^e Same.

Signed by order of y^e Councill

Dated y^e 9th of *Novemb^r 1693.*

James Sherlocke Cl G: assembly.

This house tooke it into Immediate considera^{on}, & after some time spent therein. *Resolved* y^t it be referred, to M^r *Park*, M^r *Edwards*, Cap^t *Randolph* & M^r *Taylor*, to consider of & draw up an addres for answer to y^e S^d message according to what hath been proposed & agreed upon in the house.

M^r *Sherlocke* also brought into y^e house ten bylls returned from y^e Councill wth a paper of amendm^{ts} to the Same & they being

A byll intituled *an Act appointing County Courts.*

A byll intituled *an Act appointing how actions shall be entered at County Courts, & wth time y^e declara^{on} is to be entered.*

A byll intituled *an Act appointing y^e declara^{on} & answer to be filed.*

A byll intituled *an Act prohibiting private Courts.*

A byll intituled *an Act appointing all tryalls to be made by Juries.*

A byll intituled *an Act appointing Grand Juries to present offenders.*

A byll intituled *an Act com^{and}ing pillories Stocks, ducking Stooles to be erected in each County.*

A byll intituled *an Act appointing prisons to be built in each County & ascertaining their Rules.*

A byll intituled *an Act for Suppressing of Vagabonds & binding poor Children to trades, and*

A byll intituled *an Act allowing Judgm^{ts} acknowledged before two Justices to be good* were rec^d & laid upon y^e table.

Then the house takeing notice y^t y^e byll intituled *an Act showing when Subpoenas & Dedimus potestatem shall issue* was not returned wth y^e 1st bylls as expected

Resolved

Resolved & accordingly *ordered* y^e a message be sent to y^e Council by Coll: *fitz-hugh*, M^r *Leigh* & M^r *Parke* to acquaint their hono^{rs} y^t this house cannot proceed to y^e consideration of y^e bylls & amendm^{ts} this day returned into y^e house with [out] y^e S^d byll, y^e Same being first in course of y^e whole.

A message from his Exc^y by M^r *Sherlocke*.

M^r *Speaker*: His Exc^y commands the Immediate attendance of this house upon him in the Gen^l Court house.

And accordingly y^e house went to attend his Exc^y & being returned M^r *Speaker* acquainted the house that his Ex^y was pleased to pass y^e byll intituled *an Act appointing Rangers on the frontiers of y^e four great Rivers*, and the byll intituled *an Act for the encouragement of y^e Manufacture of Linen Cloth* & afterwards to Say that what this house has further to offer to him & the Council, he desires to have a Speedy dispatch in order to a recess.

Ordered y^t an address be forthwth drawn up to acquaint his Exc^y wth w^t this house hath further to do, & the Same being prepared accordingly in these words

May it please y^{or} Excellencie.

The house of Burgeesses haueing Rec^d y^{or} Exc^{ys} commands at y^e passing of *an Act appointing Rangers on y^e frontiers of y^e four great Rivers* & *an Act for y^e encouragement of the manufacture of Linen Cloth* that they would giue as speedy a dispatch as may be to what they haue further to offer to your Exc^y & Council in order to a recess humbly take leaue to acquaint yo^r Exc^y y^t pursuant to yo^r Exc^{ys} Speech at the first opening of this Assembly they vndertooke y^e Revivall of y^e Lawes & haue accordingly gon thorough wth y^e Revivall & methodicall digestion of the whole body thereof & laid the Same before the hono^{ble} Council Some time since for their concurrence, some of which being returned y^e rest are expected, as the Same can be finished by them

And they further humbly acquaint your Exc^y that they haue two bylls now upon the table which haue been once read *Viz* a byll laying an Imposition upon skins & fures for y^e better support of y^e Colledge of *William & Mary* in *Virg^a* and a byll for ascertaining the place for erecting the Colledge of *William & Mary* in *Virg^a* together wth y^e report of y^e Committee for publicke Claimes, the w^{ch} being perfected they haue nothing further to offer to yo^r Exc^y but wait your commands.

Ordered y^t y^e S^d address be spoken & deliuered by M^r *Speaker* before his Exc^y attended wth the whole house.

A message to his Exc^y by M^r *Taylor*, M^r *Randolph*, M^r *Duke* & M^r *Waters* to know his Exc^{ys} pleasure when the house shall wait upon him in order to what he was pleased to giue the house in charge this morning, and they being returned. M^r *Taylor* acquainted the house that his Exc^y was pleased to say he would send word sometime in y^e afternoone.

And then the house adjourned till one a clocke afternoone.

Post Meridiem

A MESSAGE from his Exc^y by M^r *Sherlocke*.

M^r *Speaker* His Exc^y rec^d a message from y^e house by Cap^t *Taylor* in the morning to know when & where the house should wait upon him he hath sent me to acquaint this house, that he will be ready to receiue them at three a clocke in the Council Chamber.

M^r *Randolph* Reported y^t he had rec^d of Coll: *Henry Whiteing* his acco^t of the Imposicōn on Lique^{rs} w^{ch} he deliuered in at y^e table.

Ordered y^t y^e S^d acco^t lye upon y^e table.

Then pursuant to his Exc^{ys} message by M^r *Sherlocke* the house went to attend his Exc^y in the Council Chamber & being returned M^r *Speaker* acquainted the house that he having deliuered before his Exc^y what he had in direction from y^e house, his Exc^y was pleased to the best of his Remembrance to Speake to this effect.

That

That he had regard to Gen^l Assemblies & to the house of Burgesses y^e we had mentioned the Revivall of y^e Lawes as one of y^e parts of what he had offered to us at y^e opening of the Assembly & indeed we had offered to y^e Councill Severall bylls or rather transcripts of the old laws wthout any or very litle amendm^{ts}, but y^e y^e Councill had taken great pains & care in such as came so from us even day & night & would take care & pains therein.

That we had offered something in or among those bylls w^{ch} had caused y^e Councill to be at some stop, that he knew not, when it would be done, & how it might be rec^d in England when it was done.

That we had not so well taken care of those things recommended to us by their Maj^{ties} altho of y^e nature as we had for many years been beging of them & now when they are graciously pleased to grant y^e effect of our desires, we refuse to accept it, & that their Maj^{ties} had not duly conceded to us but had ingaged in the considera^{on} of it their chief Ministers of State who had also approued thereof to be a thing of great advantage to us & referred us to the considera^{on} of our last paper.

Then a debate arising concerning the Subject matter of y^e Same after Sometime spent therein.

Resolved y^e an addres be prepared for answer by Coll *ffitz-hugh* M^r Parke, M^r Edwards & M^r Leigh & presented to y^e house tomorrow morning.

M^r Thompson acquainting y^e house y^t he had extraordinary occasion to go out of Towne & desireing leaue. Leaue was given accordingly.

Ordered y^e he give his attendance at y^e Sitting of y^e house on *Munday* morning next.

Ordered y^e no Member go out of Town before y^e rising of y^e house tomorrow morning and y^t whatsoeuer Member Shall at y^e time appointed for the house to meet on *Munday* morning be absent from y^e Service of y^e house, he shall be forthwith sent for in custody of y^e Messenger & be liable to the censure of the house.

And then y^e house adjourned till tomorrow morning 9 a clocke.

Saturday November y^e 11th 1693.

A BYLL ascertaining the place for erecting the Colledge of *William and Mary* in *Virg^a* read y^e 2^d time.

Ordered y^e y^e S^d byll be ingrossed & read a 3^d time.

A byll laying an Imposi^{on} upon skins & ffurres for y^e better support of y^e Colledge of *William & Mary* in *Virg^a* read y^e 2^d time & after Some amendm^{ts} made at y^e table in y^e Same & twice read.

Ordered y^e y^e S^d byll wth y^e amendm^{ts} be ingrossed & read a 3^d time.

Coll *ffitz-hugh* from y^e Comi^{tee} appointed to prepare an answer to his Exc^{ys} Speech yesterday Reported that y^e S^d Comi^{tee} had accordingly prepared the same, which he read in his place & then deliuerd it in at y^e table, where being again read as followeth, *May it please yo^r Excellencie.*

In answer to your Speech yesterday the house of Burgesses have according to their duty taken into mature & deliberate considera^{on} all the parts of your Exc^{ys} first Speech & the severall messages since sent, to all w^{ch} they haue humbly returned Such answers & made such resolu^{ons}, as the State of affaires required from w^{ch} they cannot now recede, & as to that particular of y^e Revivall of y^e Lawes, they proceeded wth all care & diligence till they had gon thorough y^e Same to the generall good as they thought & are yet of Opinion of all the Inhabitants of this Country for whome they are at present intrusted. and approued.

Ordered y^e y^e S^d addres be forthwth fairly transcribed & that M^r Ranson, M^r Waters, M^r Kemp, M^r Lee, M^r Armistead, M^r Washbourn, & M^r Richin^{son} carry y^e Same to his Exc^y.

M^r *Edwards* from the Committee appointed to prepare an answer to y^e message of y^e Councill concerning an allowance to Cap^t *Cary* reported y^t S^d Committee had accordingly prepared the Same w^{ch} he read in his place & then deliuered it in at the table where being again read as followeth.

May it please your Honor

The house of Burgeffes having under consideraçon yo^r message yesterday, wherein yo^r Hono^{rs} are pleased to recomēd y^e consideraçon of a suitable reward to Cap^t *Cary* for his Service in going to *New Yorke* for adjusting a Quota pursuant to y^e Queens comānds signified in her letter to his Excellencie the 11th of *October* 1692. humbly take leaue to acquaint yo^r Hono^{rs} y^t they are of Opinion y^t Cap^t *Cary* being employed in the S^d Service by his Exc^v upon advice in Councill by Virtue of & in Obedience to her Maj^{ty} S^d letter directed to y^e Governo^r only, the charges & reward for y^e same is not a Country charge but ought to be defrayed out of their Maj^{ty}s Revenue appropriated for such uses. and approved.

Ordered y^t the f^d an^swer be forthwth transcribed & that M^r *Edwards*, M^r *Randolph* & M^r *Taylor* carry y^e Same to y^e Councill.

Coll *ffitz-hugh* then acquainted y^e house, that he wth the other persons appointed had been wth the Councill according to order & acquainted them that y^e byll intituled *an Act Showing when Subpoenas & Dedimus potestatem shall issue* was not returned in course as the house expected, to w^{ch} they received for an^swer, that it was no mistake but they intended to join that byll to the byll intituled *an Act showing how a Dedimus potestatem shall issue*, which they had not yet perfected.

And then the house adjourned till two a clocke afternoone.

Post Meridiem

A MESSAGE from the Councill by M^r *Sherlocke* in writing being read as followeth.
M^r Speaker and Gent of the house of Burgeffes

On the 6th instant we returned an answer to y^e address of yo^r House made to his Exc^v relateing to their Maj^{ty}s comānds concerning y^e Act for ports & the prohibition of bulke tobacco &c we haue been in long expectaçon & still wait for an answer thereunto.

Signed by order of y^e Councill

Dated: 11th Novembr 1693.

James Sherlocke Cl G: Assembly.

Ordered that y^e f^d message be taken into consideraçon on *Munday* next.

A message from the Councill by M^r *Sherlocke* in writing being read as follows

By the Councill

M^r Speaker & Gent. of the house of Burgeffes.

His Exc^v having laid before us your address in answer to his Speech relateing to *New Yorke*, which was grounded on her Maj^{ty}s comānds, we obserue therein that you are of Opinion, that the affaires thereof are not under such hard Ships & necessities as they are represented, w^{ch} we much admire at wth her Maj^{ty} has been pleased particularly to represent the Same, being well assured & Satisfied in the State thereof, and further in your S^d address you declare y^t this Governm^t had never any protection from or dependance upon any other place, which likewise seems strange, seeing Coll *Kendall* & Coll: *Littleton* were employed by the Gene^l Assembly as agents thither to Settle & Confirme a peace wth the Indians y^t were & are in amity wth them & in order thereto made application to that Governm^t to be a means to obtain the same, w^{ch} is a plain demonstraçon, that this Country has not been so highly independant, as you seem to make it, tho at y^e Same time we are of Opinion, that *New Yorke* has not so great an influence on the affaires here as they haue represented to their Maj^{ty} we cannot omit takeing notice y^t you haue made no answer to y^t part of the Govern^r of *New Yorks* letter, wherein he declare y^t the Six hundred pounds of that Country money transmitted in *Aprill* last to that place

was

was the Act of this Governm^t & did purely flow from the Sence of the hardships & necessities of y^e province & of the benefit this Country receiues from y^e protection the ffrontiers of y^e place contribute here & to keep y^e Indians fteadfast to them & not as paid out of their Maj^{ty} Revenue Ordered for their affistance all which we again recomēd to yo^r confideraçon & wait in expectaçon of a more Suitable returne to her Maj^{ty} comānds

Signed by order of the Councill

Dated y^e 11th Novemb^r 1693

James Sherlocke Cl G. Assembly.

Ordered y^e the f^d message be taken into confideraçon on *Munday* next

The petition of *Michael Sherman* Sherrif of *James City* County for an allowance for himself and officers for attending at *James City* two Gen^l Courts & this assembly referred by his Exc^y & Councill to y^e house of Burgeffes being read.

Ordered y^e y^e same be taken into confideraçon on *Munday* next

A byll ascertaining the place for erecting y^e Colledge of *W^m & Mary* in *Virg^a* read y^e 3^d time & passed.

A byll laying an Impoficōn upon Skins & fures for y^e better support of the Colledge of *W^m & Mary* in *Virg^a* read y^e 3^d time & passed.

Ordered y^e M^r *Hodges*, M^r *Cant*, M^r *Holliday* & M^r *Swan* carry y^e S^d two Bylls to y^e Councill & pray their concurrence thereto.

And then y^e house adjourned till *Munday* morning ten a clocke.

Munday Novemb^r 13th 1693

THEN according to order the house tooke into confideraçon the severall matters referred to this day.

And upon confideraçon of the message from y^e Councill on *Saturday* last for an answer to a former message of theirs concerning the Act for Ports & the prohibition of bulke tobacco of the 6th instant.

Ordered y^e a copy of the Vote of this house made upon confideraçon of y^e S^d message be fairly transcribed by the Clerke & presented to the house with a Suitable preface for answer.

Vpon confideraçon of the message of y^e Councill on *Saturday* last for a further returne then has beene yet made to his Exc^{ys} Speech relateing to *New Yorke*.

Resolved & accordingly ordered that it be referred to y^e Committee who prepared the answer to his Exc^{ys} Speech relateing to *New Yorke*, to draw up an answer to the S^d message of the Councill & to reporte the same to the house.

Vpon confideraçon of the petition of *Michaell Sherman* Sherrif of *James City* County for an allowance for his & his officers attendance at Gen^l Courts there being no president that euer any Sherrif of *James City* County was allowed by the publicke for such attendance.

Resolved y^e the S^d petition be rejected.

A certain Memoriall Signed by M^r *Peter Heyman* Agent of *Thomas Neale* Esq^r & a Memoriall Signed by *Andrew Hamilton* Postmaster Gen^l relateing to a Post office together wth another paper propofed as y^e forme of a Law for y^e encourageing the erecting of a post office in this Country being severally read after some time spent in confideraçon thereof.

Ordered y^e y^e S^d Memoriall & propoficōn be rejected.

And then y^e house adjourned till three a clocke afternoone

Post Meridiem

THE Clerke according to order presented at y^e table an answer to the message of the Councill of y^e 11th instant, which being read as followeth,

May it please Yo^r Hono^{rs}

In answer to yo^r hono^{rs} message on y^e 11th instant wherein you are pleased to say you wait for an answer to a former message of yours relateing to y^e act for Ports, & bulke tobā^o

The House of Burgeffes humbly take leaue to acquaint yo^r Hono^{rs} that on the 7th instant they tooke y^e S^d message under ferious confideraçon & debate & thereupon Resolued y^t they would adhere to their to their former Votes relateing to ports & bulke tobacco made this Affsembly from w^{ch} they further informe yō^r Honō^{rs} they cannot now recede, was approued.

Then the house tooke into confideraçon divers allowances to the officers of this affsembly, and the same as agreed upon, annexed to the booke of Reports of the Comittee for publick Claimes.

Coll. *ffitz-hugh* from y^e Comittee appointed to prepare an answer to y^e Councills message relateing to *New Yorke* Reported, y^t y^e S^d Comittee had accordingly prepared an answer w^{ch} he read in his place & then delivered it in at the table, where being again read, & some few alteracōns made therein, the same was agreed to as followeth.

May it please your Honors

Your Hono^{rs} message relateing to an addres of this house grounded on his Exc^{ys} Speech concerning *New Yorke* came this day wth yo^r Hono^{rs} observaçons thereon to be duly considered by them, who were & now are of Opinion that the affaires of y^t Governm^t are not under such hardships & necessities as they were represented to her Maj^{ty} & that what her Maj^{ty} has commanded relateing to that Governm^t flowes purely from what has been represented from that place and that *New Yorke* has not so great an influence upon this Governm^t as they set forth, wherein your Honō^{rs} concur with them, is perspicuous by our great distance & y^e interposicōn of Severall Governm^{ts}

Yo^r Hono^{rs} are farther pleased to take notice of an assertion from this house, that this Governm^t neuer had any defence from or dependance upon any other plantation, in w^{ch} Opinion they yet continue for that altho Coll. *Kendall* Coll: *Littleton* were employed from hence as agents to settle & confirme a peace with the Indians in amity wth *New Yorke* & in order thereto made application to y^t Governm^t to be a means to obtain the Same, yet neither these agents or any other ever moued for money or men from them, and this house find that all agencies thither have proved so ineffectuall that this Country has been as much as euer infested with those Indians wth whome the peace was concluded, & that euer since the first agencie thither this Country has been at an anuall charge, w^{ch} has proved very considerable in some Millions of tobacco to defend & protect themselves from y^e rapines & insolencies of those Indians, and notwithstanding all their endeavours many haue been destroyed. And as to that part of your Hono^{rs} message relateing to the Governor of *New Yorkes* letter concerning Six hundred pounds of that Country money transmitted thither in Aprill last, they humbly take leaue to say that they conceiue the same was issued by his Exc^y out of their Maj^{ty}s Revenue here pursuant to y^e Queens commands to the end their Maj^{ty}s affaires in that Governm^t might not Suffer.

Ordered y^t the Clerke fairly transcribe y^e two answers to y^e Councill reported this afternoone & deliver them to Coll: *ffitz-hugh*, M^r *Leigh*, M^r *Edwards*, & M^r *Randolph* to carry to the Councill in the morning.

And then the house adjourned till tomorrow morning 9 a clocke.

Tuesday Novemb^r the 14th 1693

A MESSAGE from y^e Councill by M^r *Sherlocke*, who brought into the house four bylls with a paper of amendm^{ts} viz.

A byll Showing when Subpoenas & *Dedimus potestatem* shall issue.

A byll appointing when & by whome a Superfedeas shall be granted.

A byll for y^e punishm^t of evidence not appearing upon Sumons &

A byll Showing how *Dedimus potestatem* shall issue

Ordered y^t y^e S^d bylls & amendm^{ts} lye upon the table.

William Cole Esq^r having preferred to this Assembly a Memoriall concerning 300^l w^{ch} according to the desire of the Assembly in *Aprill* 1692. he rec^d divers bylls of Exch. for

for of Mr Treafurer Hill & tranfmitted them to Mr Corbyn in London to be by him rec^d & paid to W^m Blathwait Elq^r & Mr Blayr in fuch proportion & for fuch ufes as that Affembly directed, & it appearing therein y^e 100^l of the S^d money was paid to y^e S^d Mr Blathwait 50^l to Mr Blair 52^l: 11^s: 03^d returned in protefted Exch. & y^e refidue either in bylls rec^d or to be rec^d in Mr Corbyns hands.

It is therefore *Ordered* y^e the S^d Summe of 52^l: 11^s: 03^d returned protefted wth the damages & cofts thereupon according to law be put to Coll Hills acco^t & that he take up the exch: from Coll. Cole for his reimburs^mt

And forasmuch as this houfe obferue from the perufall of Mr Corbyns letter to Coll Cole that he is defirous fome other perfon may be deputed to receiue of him fuch monies or bills as remain in his hands. It is therefore *Resolved* y^e fome perfon be nominated and appointed to demand of the S^d Mr Gawin Corbyn all fuch monies or bills of Exch: as fhall be in his hands at the time of y^e demand wth power to difcharge him & to difpofe of the Same according to the order of the Gen^l Affembly.

Then the houfe tooke into confideraçon the Reporte of y^e Comitte for publicke Claimes made upon the petition of the Reverend Mr James Blayr for an allowance for his profecuteing the bufinefs of a free Schoole and Colledge & after fome time fpent therein.

Ordered that Mr James Blair for his great Service in folliciting and obtaining their Maj^{ties} Royall Charter for erecting of a Colledge here, be allowed the Summe of two hundred & fifty pounds *Sterling* & that the S^d Summe be annexed accordingly to y^e booke of Reports of the Comitte for publicke Claimes, before the Same be fent to the Councill for Concurrence.

Ordered that the Summe of 360^l *Sterl* be added to the book of reports of the Comitte for publicke Claimes to be paid to the L^t Gouvern^r for fo much advanced by him to Mr Blayr on y^e Credit of the Gen^l Affembly.

Ordered that the perfons appointed yefterday to carry the anfwers of this houfe to y^e Councill's meffages about ports &c & *New Yorke*, carry wth them the book of Reports of the Comitte for publicke Claimes, wth the additions made to it in the houfe & defire their Hono^{rs} concurrence thereto.

And then the houfe adjourned till 3 a clocke afternoone.

Post Meridiem.

A BYLL intituled *an Act appointing County Courts* being Returned from the Councill wth the propoficon of amendm^{ts} and two claufes, after the S^d amendm^{ts} & claufes were read, the Same were agreed to by the houfe and accordingly inferted & added to the byll.

A byll intituled *an Act appointing how actions are to be entred at the County Courts & w^t time the declaraçons is to be entred*, returned from the Councill agreed to without amendm^{ts}

A byll intituled *an Act appointing the declaraçon & answer to be filed* being returned from y^e Councill wth the propoficon of amendm^{ts} & a new claufe, after y^e S^d amendm^{ts} & claufe were read, y^e Same were agreed to by the houfe, & accordingly inferted & added to y^e byll.

A byll intituled *an Act prohibiting private Courts* being returned from y^e Councill wth y^e propoficon of amendm^{ts} to be made in the title & body of y^e Same, after y^e S^d amendm^{ts} were read, part thereof were agreed to & inferted & part difagreed to, w^{ch} y^e houfe referred to y^e next conference wth the Councill about amendments.

A byll intituled *an Act appointing all trials to be by Juries* being returned from the Councill wth the propofition of amendm^{ts} to be made in the title & body of the Same, after the S^d amendm^{ts} were read the fame were agreed to by the houfe, & the amendm^{ts} accordingly inferted in the title & body of y^e S^d byll.

And then the houfe adjourned till 9 a clocke tomorrow morning.

Wednesday

Wednesday Novemb^r the 15th 1693

THE byll intituled *an Act showing when a Dedimus potestatem shall issue*, and the byll showing how a *Dedimus potestatem* shall issue, being Returned from the Councill wth y^e proposi^{ti}on of altera^{ti}on & amendm^{ts}, after considera^{ti}on & debate upon the Subject matter of the f^d altera^{ti}on & amendm^{ts} proposd by the Councill & the Subject matter of the S^d two bylls.

Resolved & accordingly ordered y^t a conference be desired & held concerning the Same, and that M^r *ffitz-hugh*, M^r *Taylor*, M^r *Leigh*, M^r *Randolph*, M^r *Ring*, M^r *Colston*, M^r *Edwards*, M^r *Buckner*, M^r *Duke*, & M^r *Ranson* be impowered to conferre wth their hono^{rs} accordingly and to agree upon matter from the S^d bylls & amendm^{ts} for the forming of a new byll.

And then the house adjourned till 3 a clocke afternoone.

Post Meridiem.

MR *ffitz-hugh* from a conference held wth the Councill upon the Subject matter of y^e byll intituled *an Act Showing when a Dedimus Potestatem shall issue*, & the byll intituled *an Act showing how a Dedimus potestatem shall issue*, & the Subject matter of the Councills amendm^{ts} proposd thereto haveing reported the passages of y^e f^d conference to y^e house after Some considera^{ti}on & debate thereupon.

Resolved that a New byll be prepared for takeing affidavits in y^e Country to be made use of in the gen^l Courts & all other Courts within this Dominion, & that it be referred to the persons who held the conference to draw & report the Same tomorrow morning.

And then the house adjourned till tomorrow morning 9 a clocke.

Thursday Novemb^r the 16th 1693.

ABYLL intituled *an Act ascertaining the place for erecting the Colledge of William & Mary in Virg^a* being returned from y^e Councill agreed to wth amendm^{ts} after y^e f^d amendm^{ts} was read the Same was agreed to by the house & accordingly made in the byll.

A byll intituled *an Act laying an Imposi^{ti}on upon Skins & ffurs for the better Support of the Colledge of William & Mary in Virg^a* being returned from the Councill agreed to with the proposi^{ti}on for y^e last clause to be left out, after y^e S^d proposition was read, the same was agreed to by the house & the clause accordingly taken out of the byll.

Ordered y^t M^r *Barbar*, M^r *Story*, M^r *Eps*, & M^r *Baker* carry the S^d bylls to the Council for their Satisfac^{ti}on y^t this house hath agreed to the amendm^{ts} proposd by their Hono^{rs} & made them accordingly in the bylls.

Resolved y^t an addres of thanks be prepared to their Maj^{ty} for their Grace & favour in granting their Royall Charter for the erecting of the Colledge of *William & Mary* in *Virg^a* upon the humble Supplication of this Country.

Ordered y^t Cap^t *Randolph* M^r *Taylor*, M^r *Edwards* & M^r *Leigh* be a Com^{it}tee for the drawing of an addres accordingly.

Coll: *ffitz-hugh* from the Com^{it}tee appointed to prepare a byll for taking affidavits in y^e Country to be made use of in y^e Gen^l Courts, & all other Courts within this Dominion Reported that the f^d Com^{it}tee, had accordingly prepared a byll, which he deliverd at the table & was read y^e first time.

Resolved y^t y^e S^d byll have a second reading.

A byll appointing Grand juries to present offenders being returned from the Councill with the y^e proposition of two claufes & certain amendm^{ts} after y^e S^d claufes & amendm^{ts} were read, the house disagreed to all except the amendm^t for the disposition of the fines mentioned in the byll.

Ordered y^t a message be sent to the Councill to acquaint their Hon^{rs} y^t the severall claufes & amendm^{ts} proposed by them to the 1^d byll being disagreed to except the amendments concerning the disposal of the fines their Hon^{rs} will be pleased to pass y^e S^d byll without any other amendm^t

A byll entituled *an Act commanding pillories Stocks ducking Stooles to be erected in each County*, being returned from y^e Councill wth y^e proposicon of amendm^{ts} in y^e title & body of y^e S^d byll, after y^e Said amendm^{ts} were read, y^e same were agreed to by y^e house & accordingly inserted in y^e title & body of the byll.

M^r Henry Duke moueing the house for leaue to visit his brother who lyes very Sicke. Leaue was given accordingly.

And then the house adjourned till three a clock afternoone.

Post Meridiem

MR James Sherlocke having brought into the house y^e publicke Claimes Sent to the Councill for concurrence wth a paper of amendm^{ts} proposed to y^e Same in several articles thereof, the S^d amendm^{ts} were forthwith taken under consideration, & an answer agreed upon in y^e severall parts thereof.

Ordered y^t y^e Clerke draw up the same against tomorrow morning & present it to y^e house.

And then y^e house adjourned till tomorrow morning 9 a clocke.

ffriday Novemb^r the 17th 1693

THE Clerke having according to order presented to y^e house an answer drawn up to y^e Councill written message yesterday Sent wth the book of Claimes, y^e Same was read & approved.

Ordered y^t y^e S^d answer be forthwth fairly transcribed & together wth the book of Claimes returned to the Councill by M^r Parke, M^r Barbar M^r Waters & M^r Lee.

And then the house adjourned till three a clocke afternoone.

Post Meridiem.

CAPT Randolph from the Committee appointed to prepare an addres of thanks to their Maj^{ties} for their Grace & favour in granting their Royall Charter for erecting the Colledge of *William & Mary* Reported y^t the S^d Committee had accordingly prepared an addres which he read in his place, and then delivered it at the table, where being againe read, the Same was approved.

A written message to his Exc^y & y^e Councill by Cap^t Randolph, M^r Parke, M^r Edwards, M^r Taylor, M^r Leigh, M^r Bland, M^r Armistead, M^r Barbar, M^r Ring, M^r Eps, M^r Colston & M^r Cary as followeth.

May it please yo^r Exc^y & Hon^{rs}

The house of Burgefes having prepared an addres of thanks to their Maj^{ties} for their grace & favour in granting their Royall Charter upon the humble supplication of the gen^{ll} Assembly for erecting the Colledge of *William & Mary* in *Virg^a* do humbly lay the same before yo^r Exc^y & Hon^{rs} earnestly Supplicateing that you will be pleased to join wth them in having the same presented to their Maj^{ties} or such other as yo^r Exc^y & Hon^{rs} in yo^r great wisdome shall think more fuitable for that purpose.

A byll for taking affidavits in the Country to be made use of in the Gen^l Courts & all other Courts wth in this Dominion, read y^e 2^d time.

Ordered y^e the S^d byll be ingrossed & read a 3^d time.

A message from the Councill by M^r *Sherlocke* in writing was read and the Same being an answer to the message of this house in the morning about certain articles in the booke of Claimes propofeing Somthings for a finall agreem^t in those matters, the house concurred with y^e proposition, and accordingly amended & added to the book of Claimes.

Ordered y^e y^e S^d book of Claimes as now settled be forthwith carried by the Comitte for publick Claimes to y^e Councill for their concurrence.

The book of publick Claimes returned from y^e Councill agreed to.

A Comitte for proportioning the publicke Levy.

Cap^t *William Randolph* Chairman

M^r *W^m Edwards*

M^r *W^m Roscow*

M^r *Richard Bland*

M^r *W^m Leigh*

M^r *Joseph Ring*

Ordered that the f^d Comittee st^ate y^e acco^t of Coll. *Hill* and Coll: *Henry Whiteing* of y^e monies in their hands, proportioning the sev^l Sums of money allowed this Session to be paid as their respectiue ballances will bear, according as the same is appointed in the book of publicke claims and report y^e Same with all convenient expedition.

And then the house adjourned 'till tomorrow morning ten a clocke.

Saturday Novemb^r the 18th 1693

MR *Randolph* from y^e Comitte for proportioning the Levy Reported that y^e f^d Comitte had according to order proportioned the publick Levy the same amounting to one and twenty pounds of tobacco per p^{oll}. And had also proportioned the severall Sums of money in the hands of Coll: *Edw^d Hill* & Coll *Henry Whiteing* to the sev^l persons to whome y^e Same are ordered in the book of Claimes, as far as their Sev^l ballances would permitt, & the f^d proportion and acco^t being read were agreed to by the house.

Ordered y^e y^e Comitte for proportioning the Levy forthwth carry to the Councill the f^d book of proportions & the said acco^ts of Coll: *Hill*, & Coll: *Whiteing* for their Hono^{rs} concurrence thereto.

An engrossed byll entituled *an Act for Raifeing a publicke Levy to be paid in the year 1694* read y^e 3^d time & passed.

Ordered y^e y^e f^d byll be with y^e book of proportions & carried to the Councill for concurrence.

The book of Proportions of the publick Claimes returned from the Councill assented to.

The byll for Raifeing a publick Levy to be paid in the year 1694. returned from the Councill assented to.

The Stated acco^t of Coll: *Hill* & Coll. *Whiteing* wth the proporco^{ns} thereupon being returned from y^e Councill wth a written message after reading of y^e Same was new drawn, & sent to their Hono^{rs} again & by them returned agreed to.

A written message from the Councill by M^r *Sherlocke* was read as followeth

By the Councill

M^r Speaker & Gen^t of the house of Burgeffes.

In answer to your addres to his Exc^y and Councill, we concurre with you in an addres to their Maj^{ties} (with the alteraco^{ns} & amendm^{ts}) in the name of the Councill & Burgeffes of the Gen^l Assembly and think it proper that the Councill & house of Burgeffes desire his Exc^y to haue the Same in all humillity presented to their Maj^{ties}

Signed by order of the Councill

Dated 18th Novemb^r 1693.

James Sherlocke Cl: G. Assembly.

Then

Then the 1st amendm^{ts} being read the same were agreed to by the house & y^e address ordered to be fairly transcribed accordingly as followeth

To the King & Queens most Excellent Majesties.

*The humble address of yo^r Majesties Councill & Burgeffes of the Gen^l Assembly of Virg^a
May it please your Majesties*

Your Majesties haveing been most graciously pleased upon the humble Supplication of your Gen^l Assembly of Virg^a to grant yo^r Royall Charter for erecting the Colledge of *William & Mary* in this Country for the education of youth and a Seminary for a Church of *England* Ministry amongst us wth Severall Royall Donations to y^e Same, we therefore yo^r Maj^{ties} most Loyall Subjects by this our most humble address beg leaue to return our most hearty thanks for such a signall Testimony of yo^r Maj^{ties} pious & Christian care of yo^r Subjects in this part of the world and as the best expresseion of our gratitude are resolved to further & promote your Maj^{ties} pious intentions by giueing such countenance and encouragem^t to so noble an undertaking as our poor circumstances will afford, their being nothing whereof we are more earnestly desirous then that our Children may be educated in all duties of piety towards God and Loyalty to yo^r Sacred Majesties whose long life & prosperity is the earnest and constant prayer of

Your Maj^{ties} most Loyall dutifull and obedient Subjects.

Ordered y^t M^r Peter Beverly Clerke of the house take care to provide some person to looke after and clean the Assembly Chamber as occasion shall be and to take under their keeping the severall vtensils & furniture belonging to the Same.

A message from his Ex^r by M^r Sherlocke

M^r Speaker.

His Excellencie commands the Immediate attendance of this house in the Generall Court house.

And accordingly the house went to attend his Excellencie.

APPENDIX.

Appendix.

[Letter from Governor *Berkeley* and the Grand Assembly of *Virginia* to Lord *Arlington* in reference to the grant made by the king to Lords *Arlington* and *Culpeper*.

From *Burk's "History of Virginia" II, Appendix, XXXIII.]*

Right Honorable,

As the prudence of princes is in nothing more apparent than in the choice of their ministers; so his majesty making choice of, and calling your honor to that high place, and degree of trust, wherein you now are, and we heartily wish you may long continue for the advantages of his majesty's dominions, and increase of your own honor, doth clearly evince that truth, and thence it is, that we (who are a remote but a very considerable part of the *English* nation, if considered either for the present revenue we bring to the crown, and advantages to the nation, by vending their manufactures, employment of shipping, and encreasing their trade, or for what may be reasonably expected hereafter from so growing a plantation) do by this, address ourselves to your lordship, with this petition, that your lordship will consider our present condition, and hear those reasons, which we have ordered our agents, col. *Francis Morrison*, mr. secretary *Ludwell* and major general *Robert Smith*, to present to your lordship, why we are unwilling, and conceive ought not to submit, to those, to whom his majesty (upon misinformation) hath granted the dominion over us, who do most contentedly pay to his majesty more than we have ourselves for our labor, and do wish, that we could yet be more advantageous to the king and nation, for which we hope to find his majesty's most royal favor and protection from such impositions, as will ruin us, and consequently his majesty's revenue, from what we contend for; we humbly request your lordship will judge reasonable. Since, it is no more but that, whilst we labour for the advantage of the crown, we may not be separated from, and subjected to our fellow subjects, contrary to all former gracious promises and assurances from our royal masters; if this be reasonable and just for us, and necessary for his majesty's service, we humbly beg your honor's assistance in this, observing what may again set us free, and for the future secure us from our fears of being enslaved, and we shall acknowledge your favors, the best way we can, and for ever pray for your lordship's prosperity, as being right and honorable.

Your honor's most humble servt.

Wm. Berkeley.

In the name of the council,

Thos. Ludwell, sec.

Robt. Wynne, spk'r. H. B.

Dated from the assembly, holden in }
James City the 21st Sept. 1674. }

[Account of the two shillings per hoghead export duty for 1675 as audited and passed by the General Assembly in June 1676. From the Public Record Office, *London*, Colonial Office 1. 34 (old Colonial Papers 34) No. 103 or p. 211.]

In <i>Virginia</i> June 1675	li	s	d
The Pub ^l Acco ^t of the 2 ^s £ hh ^d Impost Dr			
To the R ^t Hono ^{ble} the Govern ^r by the King's Instru ^{cons}	1000	—	—
To ditto £ Order of Assembly in lieu of the 10 ^s £ hh ^d	200	—	—
To ditto £ Order of Assembly Anno 1674.....	200	—	—
To the Councello ^{rs} to bee devided amongst them.....	200	—	—
			To

	li	s	d
To the Councello ^{rs} y ^t Attend the Affemby.....	50	—	—
To S ^r <i>Henry Chichely</i> by order of Affemby Anno 1674.....	100	—	—
To mony given to M ^r <i>Henry Randophs</i> Children ꝑ or ^d Aff ^{ly} 1674	17	—	—
	li	s	d
To Co ^{ll} <i>Phillip Ludwell</i> his falary at 10			
ꝑ C ^t li—	063:	1.	06
To ditto 2½ ꝑ C ^t for exchanging fmall			
bills..... li—	015:	15.	04
To Major Gen ^l <i>Bennitt</i> for falary at 10 ꝑ			
C ^t li—	020:	09:	03
To ditto 2½ ꝑ C ^t changing fmall bills li—	007:	06:	06
To Co ^{ll} <i>Joseph Bridger</i> & falary at 10 ꝑ			
C ^t li—	014:	02:	01½
To ditto 2½ ꝑ C ^t changing fmall bills li—	003.	10.	06
To <i>Henry Corbyn</i> Esq ^r & falary at 10 ꝑ			
C ^t li—	049.	12.	05
To ditto & Salary of 286 hh ^{ds} loft &			
allowed..... li—	002.	17.	03
To ditto & 2½ ꝑ C ^t on li300 in fmall			
bills..... li—	007.	10.	00
To <i>Thomas Ballard</i> Esq ^r & falary at 10			
ꝑ C ^t li—	019.	01.	10
To ditto & 2½ ꝑ C ^t changing fmall bills			
li—	004	15.	05½
To Co ^{ll} <i>Niccolas Spencer</i> & Salary at 15			
ꝑ C ^t li—	035.	05	—
To Co ^{ll} <i>Jo^s. Wafhington</i> & falary at 15 ꝑ			
C ^t li—	033.	09.	03
To Co ^{ll} <i>Jo^s. Stringer</i> & falary at 15 ꝑ			
C ^t li—	022.	00.	02
To ditto & falary of 226 hh ^{ds} allowed &			
loft..... li—	003.	07.	11
To ditto & 2½ ꝑ C ^t changing fmall bills			
li—	003.	13.	08
<hr/>			
To M ^r <i>William White</i> ꝑ order of Affem ^{ly} Sep ^r 1674	314	19	2½
To 286 hh ^{ds} loft in the <i>Mari^d Merch^t</i> and allowed to Cap ^t <i>Wraxall</i>	16	—	—
To 20 hh ^{ds} loft in ditto fhipp allowed to M ^r <i>Morgan</i>	28	12	—
To 3 hh ^{ds} loft in the <i>Robert</i> of <i>Bristoll</i> allowed to M ^r <i>Opie</i>	2	—	—
To 226 hh ^{ds} loft in the <i>ffreinds^{ps}</i> of <i>Hull</i> allowed to M ^r <i>Wetburne</i>	—	6	—
To M ^r <i>Gawin Corbyn</i> & receaving li800 belonging to y ^e Govern ^r	22.	12	—
at 2½ ꝑ C ^t	20	—	—
To the Auditor ^s Sallary of li 1988: 12s: 09½d at 5 ꝑ C ^t	99.	8	7½
<hr/>			
	2270.	17.	10
Ballance due remaining in feveral debts	268.	8	4½
<hr/>			
	2539.	6.	2½
<hr/>			
Ballance now due on the other fide li: 6: 16: 4½			
268: 08. 4½			
<hr/>			
True ballance & carried to next Acco ^tli275: 4. 9			

Erro^{rs} Excepted and this acco^t paffed in the Affemby June 1676.

In

In Virginia June 1675

hh ^{ds} Contra Cr.	li	s	d
By ballance in severall debts due last yeare.....	235	14	2 ½
5798 By Co ^{ll} Phillip Ludwell his Collection all Certif deduc	579	16	..
2902 By Major Gen ^{ll} Bennitt his Collection.....	290	4	..
1411 By Co ^{ll} Joseph Bridger his Collection.....	141	2	..
4962 By Henry Corbyn Esq ^r his Collection.....	496	4	..
1909 By Thomas Ballard Esq ^r his Collection.....	190	18	..
2350 By Co ^{ll} Niccolas Spencer his Collection.....	235	—	—
2231 By Co ^{ll} Jo ⁿ . Washington his Collection.....	223	2	—
1473 By Co ^{ll} Jo ⁿ . Stringer his Collection.....	147	6	—
23.036	2539	6	2 ½
By Erro ^{rs} in Co ^{ll} Ludwells salary in y ^e 10 & 2 ½ th C ^t	6	7	4 ½
By Erro ^{rs} in Major Gen ^{ll} Bennitts salary.....	—	9	—
	2546	2	7

Erro^{rs} Excepted And this Acco^t passed in the Asssembly
June 1676

Robert Beverly th M^r Auditor

Copia

[Account of the two shillings per hoghead export duty for 1676 as audited and passed by the General Asssembly in June 1676. From the Public Record Office, London, Colonial Office 1. 37 (old Colonial Papers 37) No. 19 of p. 42.]

In Virginia June 1676

	li	s	d
The Pub ^{lk} Acco ^t of the Impost of 2 ^s th hog ^{ds} is Dr			
To the Govern ^{rs} Hono ^r by the Kings Maj ^{ties} Instruc ^{ions}	1000	—	—
To ditto th Order of the Asssembly in leiu of the 10s. th hog ^{ds} ..	200	—	—
To the severall Councello ^{rs} th former orders of Asssembly.....	250	—	—
To ditto th Order of this Asssembly in leiu of their tytheables...	100	—	—
To Co ^{ll} John Smith th Order of Asssembly.....	8	2	6
To Co ^{ll} Phillip Ludwells acco ^t for phisique for y ^e Rapp ^a fort....	5	15	—
To Co ^{ll} Georg Jordan th Order of Asssembly.....	31	1	8
To Cap ^t Ralph Wormleys acco ^t for powder &c p ^d by him as pticu ^{lrs}	38	17	6
To Expence of brandy &c made at Rapp ^a Councell of Warr & order of the L ^t Gen ^{ll} & p ^d for th Cap ^t Ralph Wormely.....	8	10	—
To Co ^{ll} Niccolas Spencer for monies expended on pub ^{lk} meff ^{es} ..	3	—	—
To Co ^{ll} Phillip Ludwells salary at 10	li	s	d
th C ^t	li—	71:	17: 8
To Co ^{ll} Joseph Bridgers salary at 10 th			
C ^t	li—	66	5 2
To Thomas Ballard Esq ^r salary at 10			
th C ^t	li—	30	10 10
To Ralph Wormely Esq ^r his salary at			
10 th C ^t	li—	37	16 0
To Co ^{ll} Niccolas Spencer his salary at			
10 th C ^t	li—	28	00 08
To Co ^{ll} Jo ⁿ Washington his salary at			
10 th C ^t	li—	20	03 02
To Co ^{ll} Jo ⁿ Stringer his Salary at 10			
th C ^t	li—	19	01 10
	273	15	4

To

	li	s	d
To Cap ^t <i>Ralph Wormely</i> 2 ½ ³ / ₄ C ^t & Exchanging small bills into great	9	9	—
To Co ^{ll} <i>Joseph Bridger</i> on ditto acco ^t	16	11	3 ½
To Tho ^t <i>Ballard Esq^r</i> on ditto acco ^t	7	12	8 ½
To Co ^{ll} <i>Phillip Ludwell</i> on ditto acco ^t	17	19	5
To Co ^{ll} <i>Nicolas Spencer</i> on ditto acco ^t	4	13	4
To Co ^{ll} <i>Jo^s Washington</i> on ditto acco ^t	3	7	3
To Co ^{ll} <i>Jo^s Stringer</i> on ditto acco ^t	3	3	8
To M ^r <i>Audito^r</i> salary of li 2239-14s-8d being y ^e N ^t ³ / ₄ duce of the severall Collections which at 5 ³ / ₄ C ^t amounts to.....	111	19	8
To Co ^{ll} <i>Bridgers</i> acco ^t ³ / ₄ 48 hh ^s in <i>Hilman</i> ³ / ₄ <i>Maryl^s</i> Certificate	4	16	—
To M ^r <i>Richard Buller</i> ³ / ₄ order of Asssembly ³ / ₄ Armes & Amiccon	63	12	11
To M ^r <i>Buckler</i> the Kings powder man ³ / ₄ ditto order.....	67	10	—
To Co ^{ll} <i>Phillipp Ludwell</i> by order of Asssembly.....	1	4	—
To M ^r <i>Robinson</i> of <i>Midlex</i> by order of Asssembly.....	1	10	—
To M ^r <i>Gawen Dunbare</i> by order of Asssembly.....	4	—	—
To Co ^{ll} <i>Jo^s Bridger</i> by order of Asssembly.....	20	—	—
To Co ^{ll} <i>William Cole</i> by order of Asssembly.....	12	1	8
To M ^r <i>Jo^s Page</i> by order of Asssembly.....	10	12	6
To Major Gen ^{ll} <i>Wood</i> by order of Asssembly.....	29	10	—
To M ^r <i>Thomas Grindon</i> ³ / ₄ order of Asssembly.....	11	5	—
To Cap ^t <i>William Bird</i> ³ / ₄ order of Asssembly.....	21	17	6
To <i>Yorke</i> Assotiacon ³ / ₄ order of Asssembly.....	9	8	6
To Cap ^t <i>Henry Isham</i> ³ / ₄ order of Asssembly.....	21	—	—
To Co ^{ll} <i>Spencer</i> for Medicines for y ^e pub ^l k fort at <i>Potomacke</i>	5	—	—
	2377	6	5

In Virginia June 1676

Contra C^r

	li	s	d
By Ballance in severall debts due ³ / ₄ last acco ^t x	268	8	4 ½
7189 By <i>Phillip Ludwell</i> his Collection Certificates deducted..	718	18	—
6626 By Co ^{ll} <i>Joseph Bridger</i> Collection Certificate dedu ^c	662	12	—
3054 By <i>Thomas Ballard Esq^r</i> his Collection	305	8	—
3780 By <i>Ralph Wormly Esq^r</i> Collection Certificates deducted..	378	—	—
1869 By Co ^{ll} <i>Nicolas Spencer</i> his Collection Certif deduc.....	186	18	—
1344 By L ^t Co ^{ll} <i>Jo^s Washington</i> his Collection Certif dedu...	134	8	—
1273 By Co ^{ll} <i>Jo^s Stringer</i> his Collection Certificates.....	127	6	—
25135	x 2781	18	4

	li	s	d
The Countrys Credit is....	li 2781:	18:	4 ½
The Countrys debt is.....	li 2377:	6:	5
The Countrys cleare mony in severall debts lying out.....	li: 404:	11:	11 ½
	£	s	d
The Country's cleare mony as above is.....	404:	11:	11 ½
More by mistake of y ^e ballance last years acco ^t	6:	16:	4 ½
True ballance due to y ^e Country	411:	8:	4
By Cap ^t <i>Henry Isham</i> not allowed because the Armes not de- liverd.....	021:	0:	0

432: 8: 4

This Acco^t Audited & passed the Asssembly, Erro^rs
Excepted June 1676.

Copia Robert Beverley ³/₄ M^r Auditor

[Report of a committee of the House of Burgeses at the February 1676/7 session.
From the "Virginia Magazine of History and Biography", XXII, p. 327.]

AT A GRAND ASSEMBLY

At Green Spring the 20th day of February 1676.

IN ANSWER to the Petition of M^r John Page in behalf of Jo. Jefferys Esq^{re} for payment for twenty pipes of Wine, two pipes whereof were delivered to the Right Hon^{'ble} Governor on the Public Account for which this Committee thinks fit to allow eight pounds sterling p^r pipe and the other eighteen pipes being upon the Public Account disposed of, but in regard they were taken from town & thereby saved from the fire, this Committee are of opinion that half pay will be sufficient upon which they have thought fit to allow four pounds p^r pipe which in all is 88 sterling, which report of the Committee is confirmed by the House.

Teste Robert Beverley cl: Afs:

[Letter from Lord Howard of Effingham to the Committee of the Privy Council for Trade and Plantations, dated February 10, 1685.

From "McDonald Papers," VII, 218-225.]

My Noble Lords,

I take the first opportunity to present y^r Ld^{ships} the proceedings, I cannot say of y^e Last Session but of the last meeting of the Assembly; for when, after a tedious time matters were brought towards a conclusion, there hapned a dispute between them and mee, soe that I was forced to dismis them before any thing was perfected, unless I would pass away His Majestys Sovereign Right of His Negative Voice. And that y^r Ld^{ships} may bee fully acquainted with it I beg y^r Ld^{ships} patience and leave to inform y^r Ld^{ships} with the methods of our proceedings here, w^{ch} is this my Lords

When the House of Burgeses have prepared any Bills they present them to the Gov^r and the Council to bee considered of amended and regulated by them as they shall see most conducing for his Maj^{ty}s Service, then they are sent to the House of Burgeses and by them returned signifying their agreement to those alterations and then signed by order of the Council by the Clerk of the General Assembly as assented to, and soe returned to bee fairly engrossed. Now my Lords the House of Burgeses presented to myself and Council a Bill appointing Ports or Wharfs in Several places in this Colony. The full purpose your Lordships will see by the Bill. To which Bill there were several alterations, amendments & additions made by mee and the Council and returned to them, to all which they agreed as appears by the Journal, unless that they desired there might bee one Port in each County whereas it was limited by mee and the Council to two in a River to which their desire wee consented, and soe ordered the Clerk to signe the Bill as assented to and sent it to bee fairly engrossed. But I sending to the House for the Bills to peruse before they were publickly read found in that Bill for Ports a Material clause omitted which was that there should bee fees ascertained upon goods exported and imported for the support of those Officers which should bee obliged to reside in those Ports, y^e Collectors salarys and profits being not near sufficient to enable them to maintain them for some of the Collectors would have had five Ports in their Districts, and their advantage not annually worth to them above fifty pounds soe that they were altogether unable to bear the charge of those officers. I doe believe my Lords that on y^e bringing the Bill to mee and the Council the second time there might be noe notice taken of y^e Omission of that clause on the presumption that all alterations and amendments were fairly inserted as usual, And indeed my greate weakness then rendered mee unable to make soe particular an inspection into it as I was resolved to doe when fairly engrossed upon which I found as I have informed your Ld^{ships} the omission

omission of that material clause upon which I signified to the Assembly the Bill was not ingrossed as assented to by mee and the Council to which they sent mee word that the Bill could admit of noe alteration or amendment after it was attested by the Clerk of the General Assembly as assented to, and that it had by that the force of a Law. I replied they were mistaken for that noe Bill could have that till signed by mee publickly as His Majestys Representative and by the Speaker of their House. Still they persisted in their opinion I sent them word again that though any Bill was assented to by mee and the Council yet if I should afterwards perceive it would prove prejudicial to His Ma^{ty} or the Country I had power to refuse the signing of it by vertue of his Ma^{ty}s Negative Voice which his Ma^{ty} had entrusted me with, which they would not allow although they owned I had a negative Voice, But said I had consented to it in Council and could not afterwards refuse the signing of it. Upon which I sent them that Clause of his Ma^{ty}s Commission to mee entered in the Journall. But all would not persuade them out of their obstinacy, nay tho' I offered to lay that Bill aside till his Ma^{ty}s pleasure should bee known therein, and to signe all the others and that too with that alteration as it was agreed on. But nothing would please them but invading if not destroying his Ma^{ty}s Prerogative, soe that your Lordships may plainly perceive how positively they insisted in that seeming advantage which they fancied to themselves because the omission of that Clause was not fully taken Notice of at the presenting of the Bill as I said before to destroy His Ma^{ty}s Prerogative, and the dignity and advantage of His Maj^{ty}s Collectors here.

I am conscious, My Lords, I was too Complying, and fear his Majestys displeasure for it; but I was soe tender of the Countrys good, that the publick credit might bee satisfied by laying the Levy which I knew would this year bee easily paid having had a good crop of tobacco, and that the soldiers at the heads of the Rivers might bee paid being now two years almost in arrears, induced mee, therefore hope his Ma^{ty} will please to pardon mee and beleve that I will never yield to anything that may infringe or diminish His Royal Prerogative.

I confesse I am likewise to blame that I admitted of any Bill of this nature, when there is a Law passed in 1680 presented to his Maj^{ty} to the same purpose for his Ma^{ty} Royal approbation or disallowance. But finding in that Law many places were appointed for Towns which were very inconvenient for Trade as by the Complaint of many merchants it did appear and in this altered, and likewise in this that there should have been provision made for the support of those officers which were to reside in the several Ports which was omitted in that, were my reasons for it, and hope will bee my excuse.

I was severely angry with their Clerk that he durst omit the least clause especially soe material an one in any bill after assented to by mee and the Council—All that he could allege for himself was, that hee thought hee did not properly come in, which I judge aggravated his fault by his presumption, I sent to the Assembly to make him an example for it. But they rather maintained him soe that your L^{ds} will now see how requisite and advantageous it will bee for his Majestys Service that the Clerk of the Assembly bee hereafter appointed by his Ma^{ty}s Governor and soe paid out of his Ma^{ty}s Revenue here which charge will be very inconsiderable. This method was presented to your L^{ds} by myself and the Council the last spring for his Majestys command therein: And I humbly crave if his Ma^{ty} think it requisite, I may receive it before their next meeting which is the 20th of *October* till the time I prorogued them. I did not dissolve them my Lords for these reasons. Because if his Maj^{ty} shall think fitt to have them dissolved, it will bee soe great a rebuke to them when done by his Ma^{ty}s special command, that I hope it will deterr them for the future to bee soe obstinate and peevish. Or if his Ma^{ty}s clemency should extend soe far as only to signify his Ma^{ty}s dislike of their proceedings, it might bee applyed to those very persons, which I hope might have the same effect.

Truly My Lords I could not expect any good correspondence with this Assembly, for I judged their temper by the choice of their Clerk, hee being that *Beverley* who was soe deeply engaged and soe violent a promoter of the late plant-cutting and whom his late Ma^{ty} gave me instructions concerning.

But

But hee did by his expreffions and outward demeanor manifest fuch hearty and fincere sorrow for his high mifdemors that, with the affurance the Council gave mee hee had been greatly ferviceable to his Ma^{ty} in oppofing *Bacon* in his rebellion and they defiring that fervice might fomewhat mediate for that offence was the reason that I then extended more favor to him than now I find hee deferved.

Your Ld^{ps} will eafily perceive their temper when the Journal is laid before you wherein your Lord^{ps} will find with what unwillingnefs and regret they yielded to his Ma^{ty}s Commands concerning the quit Rents here, and how obftinate they were as to the appropriating the fines and forfeitures formerly to the ufe of the publick now to his ma^{ty}s fervice As alfoe to the Difbanding the Soldiers at the Heads of the Rivers that they would rather bear the charge of them which the country is very unable to undergoc than agree to pay any pro rata as thofe are Should I have occafion to raife any by the advice of the Council for the fafety of y^e Country which power of having them paid fhould any bee raifed was given mee by the laft Affembly for three years, and becaufe I would not part with it they had once laid that Bill afide till the fmart of their purfes made them better confider

Your Ld^{ps} will likewise find their total denial that the Governor and Council fhould have any power to lay the leaft Levy to eafe the neceffity of foe frequent affemblys though the charge of them bee greater on the people than the Levy it felf, and that which I am fure is thought reafonable and defired by moft of the Inhabitants unlefs thofe who are Affembly men or hope to bee foe. This was propounded by mee to them before his Ma^{ty}s Inftuctions came to my hands that I fhould, and then re-inforced but nothing would prevail nor I beleve will unlefs his Ma^{ty}s Special command therein. They were peevifhly refractory to the leaft propofition made by mee for his Ma^{ty}s and the Country's fervice as your Ld^{ps} may perceive by their refufal to raife the Twenty four men at the Countrys charge to add to thofe 24 men I had then thoughts of raifing by the advice of the Council at his Ma^{ty}s for the fafety of that Country, for truly my Lords foe many took liberty of fpeech upon the rebellion of the late Duke of *Monmouth*, that I was fearful it would have produced the fame here. But I thank God wee are now at quiet I having put a ftop to that by my proclamation and made fome examples for their offence.

As likewise the exceptions they took at the fmall fee laid by order of Court of Chancery for the affixing the Seal to all publick inftruments which was done by the advice and confent of the Council more for the honor and Dignity to his Ma^{ty}s Seal than out of any other end. The fee being not above the Value of ten Shillings and what is five times as much in our neighbour Colony of *Maryland* and in all other his Ma^{ty}s Dominions in *America* as well as *Europe*. Befides his Ma^{ty} hath been pleafed to authorize mee to keep and ufe his feal a Clause not before fpecified in any governors Commiffion here unlefs in my Lord *Culpepers* laft which came to him but fix weeks before his Ld^p left *Virginia*, elfe I am confident My Lord *Culpeper* would (as he ought) have purfued the fame method. I fear I have tyred your Ld^{ps} patience but I thought it a lefs crime to bee fomewhat too prolix, than in the leaft negligent or defective in giving your Ld^{ps} a true and impartial account of thefe proceedings. What errors your Ld^{ps} fhall find in them I befeech your Ld^{ps} to bee foe charitable to impute them to the weaknefs of my judgement, and not of my will, but to beleve they were acted to the beft of my underftanding, with as great care and candor for his Ma^{ty}s fervice as poffibly could proceed from the heart of man.

If your Ld^{ps} in your great Judgment fhould approve of them and afford them your Countenance it would highly fatisfy and transport mee and I hope might not bee for his Ma^{ty}s Difservice, for if a ftop or at leaft a curb bee not put to fuch unlimited and unruly tempers, they may run too farr and foe fhould I further enlarge.

Therefore wifhing your Ld^{ps} all health and profperity, I fubfcribe myfelf, My Noble Lords

Your Ld^{ps}

Moft Obedient humble Servant

Effingham.

Virga Feb^y 10th: 1685.

507-508

INDEX

Index

A

Abbot, George, granted judgment against estate of E. Scarbrough, 17.
 Abrahall, ———, mentioned, 18; surveyor, 13.
 Abrahall, Robert, burgess, vii; paid 5,375 pounds of tobacco, 84.
 Accomac County, bill directing court days in, 269, 271, 272, 279; boundaries, 77; burgesses, viii, ix, x, xi, xii, xiii, xiv, xv, xvi, 32, 187, 189, 250, 288, 334, 381, 412; complaint of against Jno. Custis, 314; confinement of shot for, 73; expenditures, 6, 175, 183, 258; grievances, 198, 297, 301, 339, 394, 420, 452; Indian lands in, to be surveyed, 8; petition, 33; place for holding court in, 424; propositions, 125, 339, 394, 425, 452, 455; tithables in, 183; town laid out in, 170; writ for electing burgesses, 159, 381.
 Adultery, penalty for, 350, 353, 354, 359, 360.
 Affidavits, taken in counties to be used in general courts, 492, 494.
 Aleston, ———, conference held at home of, 22.
 Alford, Elizabeth, complaint against, 19.
 Alford, John, complaint against, 19.
 Allen, Arthur, burgess, xi, xii, xiii, xiv, lxi, 187, 188, 189, 192, 193, 194, 195, 196, 198, 200, 217, 218, 220, 222, 224, 227, 228, 231, 232, 279, 288, 328, 334; disqualified to serve as burgess, 337; oath of office administered to, 190, 290; paid for laying out town, 172, 177; proposition from, 340; rewarded by Burgesses, 324; salary, 282; speaker, 1, lvi, 261, 204, 272, 273, 274, 276, 277, 278, 280, 281, 282, 283, 287, 289, 291, 292, 293, 295, 296, 297, 299, 302, 303, 305, 306, 308, 312, 313, 315, 319, 321, 322, 324, 325, 329.
 Allerton, Isaac, burgess, viii, ix, x, xi, xxi, xxiv, 47, 49, 119, 121, 127, 131, 134, 136, 137, 139, 189, 194, 199, 202, 227, 234, 247, 249, 250, 290; claimant, 275; oath of office administered to, 120; paid £28, 16s., 86.
 Allerton and WASHINGTON, paid 21,000 pounds of tobacco, 84.
 Allomby (Allambey, Allumby), Thomas, burgess, xi, xiii, xiv, 189, 191, 195, 206, 211, 225, 240, 288, 319, 325, 333, 334, 335, 340, 342, 347, 356, 357; oath administered to, 190, 290, 335.
 Ally, Francis, paid for taking up runaways, 176.
 Alves, George, paid for taking up runaway, 180.
 Ammunition, act concerning, to be put into execution, 64; Indians on Eastern Shore allowed to sell or trade arms and ammunition with friendly Indians, 68; proposal from Gloucester County concerning, 88; provision for better supply of, 218, 219, 220, 222, 223, 227, 474, 475, 476; to be distributed by Herbert Jeffreys, 73; to be sent to northern part of Colony, 77.
 Anabaptists, mentioned, 21.
 Anderson, John, burgess, xii, 272.
 Anderson, Richard, paid for taking up runaway, 180.
 Anderson, Robert, paid for serving on jury, 172, 180.
 Anderson, Teig, paid 400 pounds of tobacco, 82.
 Anderson, William, burgess, xii, xiii, xiv, 288, 291, 303, 334, 337, 381, 384, 391; oath administered to, 290, 335; paid 3,738 pounds of tobacco, 82.
 Andrews, David, paid for services as gunner, 52.
 Andrews, William, burgess, viii, 21, 23; execution of order against, postponed, 5.
 Andros, Edmund, governor, lxvii; message from Burgesses, 416, 418, 423, 425, 428, 439, 452, 470, 474, 482, 486, 487, 493; message to Burgesses, 417, 418, 419, 422, 427, 428, 438, 449, 450, 453, 459, 477, 482.
 Appeals, Burgesses petition king concerning, 370; how to make, 462, 463, 466, 484; message concerning, 204, 243.
 Appleton, John, burgess, viii.
 Applewhite (Appelwhite, Applewhite), Henry, burgess, xi, xii, xiii, xiv, 187, 189, 195, 206, 210, 217, 222, 235, 244, 261, 262, 265, 269, 278, 289, 303, 314, 333, 334, 335, 357, 375; oath administered to, 190, 299, 335; reimbursed in tobacco, 172, 177.

Appomattox Fort, disturbances, 84.
 Appomattox Indians, petition of, 64, 343.
 Appraisements, how to be made, 463.
 Apfthur, Arthur, signer of Northampton County grievance, 101.
 Archer, William, mentioned, 122; paid 3,000 pounds of tobacco, 81.
 Arlington, Lord, copy of king's demise and grant to, 201; letter from General Assembly, 75, 97, 499.
 Armerer, John, paid for taking up runaway, 180.
 Armiger, William, claimant, 226, 244; paid for services, 174, 181, 183, 256, 257, 258; paid 4,536 pounds of tobacco assigned Colonel Kendall, 183; sheriff of James City, 191.
 Armistead (Armistead), ———, burgess, 119, 123, 124, 126, 129, 133, 138, 269, 282, 428, 442, 453, 455, 458, 462, 484, 487, 493.
 Armistead, Anthony, burgess, xvi, 457.
 Armistead, John, burgess, x, xii, 121, 122, 127, 261, 263, 269, 273, 274, 279, 280; oath administered to, 120.
 Armistead, William, burgess, xiv, xv, 394, 412; oath administered to, 395, 413.
 Arms, act concerning, to be put into execution, 64; Indians on Eastern Shore allowed to sell or trade arms and ammunition with friendly Indians, 68; price regulated, 65; proposal from Gloucester County concerning, 88; provision for supply of, 218, 219, 220, 222, 223, 227, 474, 475, 476; to be distributed by Herbert Jeffreys, 73.
 Arnemonger, John, fined for signing petition, 114.
 Arnold, Anthony, mentioned, 246.
 Arnold, Ben, mentioned, 343.
 Ash, Lawrence, signer of grievance from James City County, 108.
 Ashton, John, G. Harwood to apologize to, 17.
 Ashton, Peter, burgess, vii; collector of 2 and 10s. per hhd. tax, 9.
 Ashurst, Robert, traveling expenses paid, 174, 177.
 Atkins, Richard, fined for signing petition, 114.
 Atkinson, Thomas, paid for taking up runaway, 177.
 Atkinson, William, ferryman, 173, 180.
 Attachments, how issued when granted upon order of General Court, 462, 463, 467; justices to grant, 462, 463.
 Attorney General, claim rejected, 244, 246; messages concerning salary of, 246, 248; report of committee concerning salary, 247; to be paid out of his majesty's revenue, 60.
 Attorneys, act imposing and ascertaining fees of, 1x; for foreigners, to give security, 468, 469, 470, 472; propositions concerning, 37, 429.
 Auborne, Richard, clerk of Committee of Propositions and Grievances, 122; mentioned, 73, 152.
 Auditor. See Bacon, Nathaniel, and Byrd, William.
 Aultin, Black, mentioned, 256.
 Aultin, Peter, purchase of land from Potomac Indians confirmed, 16.
 Awbrey (Abrey, Abry, Awbry), Henry, burgess, xi, xiii, xiv, 189, 210, 222, 288, 339, 375, 379, 380; oath of burgess administered to, 190, 290, 335; paid for services, 254.
 Awley, Henry, signer of grievance from Rappahannock County, 106.
 Aylett (Aylit), William, paid 6,205 pounds of tobacco, 81; sheriff of York County, 76.
 Ayleway, Robert, mentioned, 145; petitioner, xxiv.
 Ayres, John, paid 700 pounds of tobacco, 83.

B

Babb, John, paid for provisions, etc., 254; paid for taking up runaway, 178.
 Bacon, price of, to soldiers, 71.
 Bacon, ———, claimant, 244.
 Bacon, Edmond, paid for services and provisions furnished Mattaponi garrison, 172, 180, 256.
 Bacon, Nathaniel, auditor, xxiv, xl, li, lxi, 116, 141, 151, 152, 206, 207, 208, 218, 220, 265, 266, 269, 276, 303, 323, 341, 374; grantee for royal charter for college, 361; houses leased by, 248; member

- of Council, 40, 47, 127, 133, 137, 144, 219, 290, 353; mentioned, 18, 78, 107, 113, 134, 142; paid in tobacco, 81, 85, 179; petitioner, 130, 152, 245, 343; reimbursed money paid John Ely for perk, 172; reimbursed tobacco paid John Babb, 172, 180.
- Bacon, Nathaniel, jr., burgefs, vii, ix; commander-in-chief of forces employed against Indians, 67; Gardner to apologize to, 66; Gardner's bond to, discharged, 70; mentioned, 95, 140.
- Bacon's Rebellion, Burgeffes address king in reference to, 73; certain participants in to have benefit of act of free and general pardon, xxii, 114; mentioned, xix, xxi, xxviii; part of expense of to be proportionally borne by counties in Northern Neck, 78.
- Badgett, John, paid 200 pounds of tobacco, 179.
- Badfon, John, complaint of, rejected, 429; proposition signed by, 420.
- Bail, act concerning sheriffs taking, 204, 205, 207.
- Baker, Henry, burgefs, xv, xvi, 411, 412, 413, 421, 440, 441, 453, 474, 492; oath administered to, 413.
- Baker, John, member of Council, 47; paid for taking up runaway, 182.
- Baker, Lawrence, burgefs, viii, 32, 36, 47.
- Baker, Martin, sheriff of New Kent County, 11, 18.
- Baker, William, paid for taking up three runaways, 182.
- Baldry, Robert, burgefs, vii.
- Bail, Joseph, signer of Lancafter County petition, 111.
- Ball, William, burgefs, viii, ix, x, xii, xiii, xiv, xvi, 110, 164, 262, 265, 278, 280, 288, 292, 303, 313, 324, 325, 327, 333, 334, 357, 391, 394, 398, 452; fort commissioners to meet at house of, 49; oath administered to, 290, 335; paid in tobacco, 174, 181; signer of petition from Lancafter County, 111.
- Ballard, Thomas, account of the 2s. per hhd. duty collected by, 501, 502; burgefs, viii, x, xi, xii, xiv, xv, xli, 32, 37, 38, 39, 43, 72, 187, 188, 189, 191, 192, 193, 194, 195, 200, 201, 208, 217, 218, 227, 228, 232, 236, 247, 249, 250, 261, 263, 264, 265, 268, 278, 380, 385, 387, 391, 393, 412, 419, 433, 441; oath administered to, 120, 190, 380, 413; paid for services, 82, 86, 255, 500, 501, 502; speaker, xxi, 119, 120, 127, 129, 130, 135, 140, 141, 143, 144, 145, 146, 157, 163, 166, 168, 169.
- Ballast, casting into rivers prohibited, 308, 310, 318, 319, 341, 342, 343, 344, 346, 348, 349, 350, 468, 469, 472.
- Bally, Richard, paid 1,000 pounds of tobacco, 82.
- Baltimore, Lord, mentioned, 22, 311, 312.
- Banifter, Jno, grantee for royal charter for college, 361.
- Banks (Banckes), Edmund, ferryman, 172, 180.
- Banks, James, paid for taking up runaways, 176.
- Baptist, John, paid for taking up runaway, 177.
- Barbarede, Thomas, paid 1,200 pounds of tobacco, 81.
- Barber, John, account of, to be paid by county, 49; administrator of John Hope's estate, 5; fined for erecting a weir, 49.
- Barber, Thomas, burgefs, x, xii, xiii, xiv, xvi, 122, 163, 272, 274, 279, 288, 292, 319, 324, 333, 334, 340, 353, 357, 365, 467, 484, 492, 493; oath administered to, 120, 290, 335; sheriff of York, 191, 193, 198, 254, 380, 382.
- Barber, William, burgefs, viii, 25, 32, 36, 47.
- Bardell, Richard, signer of grievance from James City County, 103.
- Barham, Charles, paid for taking up runaway, 177.
- Barker, Thomas, signer of petition from Lancafter County, 111.
- Barnadistance (a ship), 384, 401.
- Barrow, Richard, paid for taking up runaway, 180.
- Balfett, William, burgefs, xv, xvi, 411, 412, 414, 419, 425, 437, 440, 445, 446, 451, 455, 458, 484; leave of absence granted, 431; oath administered to, 413.
- Bastards, proposition concerning, 455.
- Bathurst, Lancelot, clerk of Committee for Inspection of Journals, etc., 195; clerk of Committee for Private Causes, 165; paid for services, 175, 180, 257.
- Batt (Batts), Henry, burgefs, xii, xiv, 262, 272, 279, 334, 379; oath administered to, 335.
- Batt, Thomas, paid for services, 255.
- Battle (Battai, Battle), John, burgefs, xv, 412, 419, 424, 428, 432, 442; oath administered to, 413; petitioner, 422.
- Baxter, John, paid for taking up runaway, 176.
- Baylie, Richard, burgefs, xv, 412; oath administered to, 413.
- Baylor, John, burgefs, xv, 412, 414; oath administered to, 413.
- Baytop, Thomas, mentioned, 353.
- Beauchamp, John, permission given to carry an Indian boy to England, 4.
- Beef, price of, to soldiers, 71, 72; quantity allowed to soldiers per month, 72.
- Beeman, Edmond, member of Lower Norfolk County commission, 17.
- Beil, John, paid for taking up runaway, 177.
- Ben, James, burgefs, xiv, 379; oath administered to, 380.
- Bennitt (Bennett), Major General, account of the 2s. per hhd. duty collected by, 501; member of Council, 47; salary, 500.
- Berkeley, Lady Frances, claimant, 115, 123, 125, 134, 344.
- Berkeley, William, Burgeffes refuse to join in petition for removal of, 66; committee appointed to confer with concerning a state house, 25; governor, xvii, xxx, 3, 5, 7, 11, 22, 24, 29, 34, 43, 55, 59, 61, 109, 114, 135, 146, 147; guard of twenty-four men appointed for, 64; letter to governor of Maryland, 35; letter to Lord Arlington, 499; letters from commissioners, 90-95; message from Burgeffes, 42, 46, 53; paid £828 8s. 10d. for disbursements, 86; paid money advanced Captains Gardiner and Cotterill, 62; paid out of the 2s. per hhd. account, 499, 501; fort charges, etc., to be paid to, 3; to supervise the building of the state house, 8; token of respect and esteem for, 60, 63, 77, 115.
- Berkley, William, burgefs, viii, 32, 35.
- Berkenhead, John, given his freedom and 5,000 pounds of tobacco as a reward for discovering a plot, 24, 28.
- Berry, John, member of commission for affairs of Virginia, 93, 95; mentioned, 149, 238.
- Berry, William, petitioner, 76.
- Bertrain (a servant), rights of citizenship conferred upon, 51.
- Beverley, Peter, clerk of House, lxi, lxvii, 19, 333, 337, 354, 391, 416, 417, 420, 422, 451, 495; clerk of Committee of Propositions and Grievances, 287, 291; petitioner, 440.
- Beverley, Robert, burgefs, ix, xii; clerk of House, xix, xxiii, xxvii, xxviii, xxxi, xxxiii, xxxvii, xxxviii, xlix, l, liv, 79, 84, 86, 115, 116, 118, 120, 137, 139, 144, 153, 245, 283, 502, 503; clerk of Committee of Public Claims, 419; clerk of Committee to Proportion the Levy, 139; complaint against, 88; paid in tobacco, 83, 84, 171, 173, 175, 181, 183, 218, 255; petitioner, 211, 414; undertaker for Rappahannock garrison, 171, 175, 181.
- Bigby, Richard, paid for public services, 171; tobacco assigned Mr. Bolton paid to, 179.
- Billingsley, Elizabeth, mentioned, 19.
- Billingsley, John, mentioned, 19.
- Bills of exchange, damage on protested, 468, 469, 470, 472.
- Birckley, Benjamin, paid for horse, 172.
- Bifs, James, burgefs, x, 121, 122, 142, 158, 159; oath of office administered to, 120.
- Bifs, James, sheriff of Charles City County, 254.
- Blackey, William, burgefs, viii, 37, 47.
- Blacksmiths, prices for work regulated, 8.
- Black Water, petition of inhabitants of, 123; sheriff of Lower Norfolk to collect rents and levies from inhabitants of, 153.
- Black Water swamp, message from governor in reference to land on south side of, 477; surveyors refrained from surveying land on south side of, 474.
- Blair (Blair, Blayre), James, empowered to take up money in England on credit, 374, 375; grantee for royal charter for college, 361; instructions for soliciting business of college, 372, 374; letter to, 407; mentioned, 404, 405, 459, 480; not to sail on boat commanded by J. Jennings, 373, 374; paid for securing charter for college, 491; petitioner, 343, 344, 475; to help draw up address to king concerning the college, 353; to present to king supplication concerning college, 368.
- Blathwait (Blathwait, Blathwaite), William, letter to, 405, 407; letter from, to Effingham, 307; mentioned, 311, 324, 491; representative of Virginia in England, 251, 402, 405.
- Blake, John, burgefs, viii, 32, 37, 49.

- Blake, John, member of Council, 47.
 Bland, Cyles, mandate against, 63; petition concerning, 129.
 Bland, John, flaxseed sent by, to be distributed among the counties, 20; letter of thanks sent to, 22; money appropriated to reimburse, 22.
 Bland, Richard, added to the commission of Elizabeth City County, 8; burges, viii, xvi, 36, 451, 467, 473, 474, 493, 494.
 Bland, Mrs. Sarah, petitioner, 199; suit against St. Leger Codd, 204, 209.
 Bland, Theodorick, burges, vii; joint collector with Henry Soane, 9; J. Bland's account presented by, 22; judgment to, against W. Drummond, 5; speaker, 3, 7; to turn over to Robt. Wynn all of the public property in his possession, 55.
 Blayton, Thomas, clerk of Committee of Propositions and Grievances, 195; paid for services as clerk of committee, 175, 176, 227, 257.
 Boate, Mrs. Anna, paid 272 pounds of tobacco, 82.
 Boate (Boot), Nicholas, privileges of citizenship given to, 10, 11.
 Boats, impressing of timber for, restrained, 474, 475, 476; persons finding, to advertise, 472, 473, 476.
 Bolling, Robert, burges, xiii, xiv, 132, 297, 298, 303, 313, 319, 333, 334, 336, 339, 356, 379, 385, 405; leave of absence granted, 362; oath administered to, 299, 335; petitioner, 289; sheriff of Charles City County, 289.
 Bolton, William, clerk of Committee for Private Causes, 195; clerk of Committee of Public Debts and Claims, 122; clerk of committee to draw up reasons for a "cessation," 136; clerk of committee to examine writs, 121; paid for services as clerk of committee, 175, 257; tobacco assigned to Colonel Bacon paid to, 178, 181.
 Bond, John, burges, vii; disqualified from holding office, 13.
 Bond, William, paid for taking up runaways, 177.
 Bonny, Richard, paid for taking up runaways, 178.
 Boston, estates of persons connected with government of, to be seized to the value of £40 sterling, 18.
 Boswell, Thomas, paid for services as juror, 175, 180.
 Boucher, Maurice, mentioned, 224.
 Boufer, ———, paid for taking up runaway, 176.
 Boutwell, Adam, paid 216 pounds of tobacco, 170, 178.
 Bowler, Thomas, mentioned, 34.
 Bowman, Edward, dismissed from commission of Lower Norfolk, 10; paid 6,897 pounds of tobacco, 82.
 Bradford, Nathaniel, paid for taking up runaway, 183; paid 1,500 pounds of tobacco, 82.
 Bradley, Robert, clerk of committees, 122, 142, 157, 195; paid for services, 175, 177, 178, 256, 257; petitioner, 121, 192.
 Braffier (Brassier, Brassieur, Brossier), John, burges, xi, xii, xiv, 187, 189, 195, 206, 207, 210, 222, 275, 334, 358, 365, 381, 391; oath administered to, 190, 335.
 Bray, James, Jr., burges, xiii, xiv, lxi, 72, 288, 291, 306, 310, 334, 338, 340, 346, 358, 363; oath administered to, 290; paid 14,175 pounds of tobacco for soldiers, 83; refuses to take oaths, 363; sent for to attend lessons of the House, 345, 356, 357.
 Bremer, John, paid 180 pounds of tobacco, 175, 180.
 Brent, George, attorney general, liii, 282, 300, 303; burges, xiii, lvi, 288, 296, 299, 301, 304, 308, 310, 311, 319; oath administered to, 291; paid in tobacco, 171, 182, 183; petitioner, 218; remuneration for himself and troop, 255, 258.
 Brent, George, undertaker for Potomac garrison, 171, 181, 182.
 Brent, Giles, charge against Wahanganoe, 14, 16; fined for imprisoning Wahanganoe, 14; soldiers under command of, to be paid by their respective counties, 69.
 Brenton, bill for encouragement of inhabitants of, 318, 321.
 Brereton, Thomas, complaint against, 3; summoned to appear before the House, 417.
 Breton, John, mentioned, 42.
 Brewer, John, suit against John Harlowe in reference to a land grant, 5.
 Bridewells (prisons), proposition concerning, rejected, 454.
 Bridger, Joseph, account of the 2s. per hhd. duty collected by, 501, 502; burges, viii, 21, 25, 32, 36, 38, 39, 43, 47, 49, 57; member of Council, 127, 144, 164, 234, 247, 249; paid 6,278 pounds of tobacco, 81; salary of, 500, 501.
 Briscoe, William, mentioned, 251; paid 3,601 pounds of tobacco, 178.
 Britton, John, petitioner, 36.
 Brooks, John, paid for two horses and a cow, 77.
 Brown, Francis, Jr., paid for services, 253.
 Brown, John, paid for public services, 171.
 Browne, ———, reimbursed for services, 6.
 Browne, Abraham, paid for services to country, 253.
 Browne, Daniel, paid for services to country, 253.
 Browne, Devoreux, burges, viii, 21.
 Browne, John, paid for taking up two runaways, 181; paid thirty-two pounds of tobacco, 179.
 Browne, Nathaniel, signer of petition from Lancaster County, 111.
 Browne, Richard, fined for signing a petition injurious to the justices of Surry County, 114.
 Browne Robert, paid 600 pounds of tobacco, 179.
 Browne, Mrs. Tabitha, paid £15, 11s., 8d., 86; paid 3,896 pounds of tobacco, 81.
 Browne, William, burges, vii, viii, ix; house rent, 174, 254; paid 4,860 pounds of tobacco, 177; signer of grievance from James City County, 108.
 Bruton Parish, protest of, against enlargement of James City Parish, 355.
 Bryan, Robert, paid for serving on jury, 254.
 Buckler, ———, paid out of the 2s. per hhd. account, 502.
 Buckley, Benjamin, paid for a horse, 180.
 Buckner, John, burges, x, xvi, 165, 452, 461, 492.
 Buckner, Lawrence, paid for taking up runaways, 176.
 Buller, Richard, paid out of the 2s. per hhd. account, 502.
 Burg, William, imprisoned, 19.
 Burges, Robert, fined for signing a petition injurious to the justices of Surry County, 114.
 Burgesies, act concerning writs for election of, 298, 398, 399, 400, 401, 404, 464, 468, 469, 471; address to king, 219, 228, 237, 370; ask permission to make Nicholson a gift, 373; asked to help New York to protect Indians, 292; bill for ascertaining number of, 464, 468, 469, 471; committee to examine return of writs for election of, 192; copy of address to the governor, dated June 9, 1680, sent to England, 144; copy of king's demise and grant to Lords Arlington and Culpeper sent to, 201; Council invited to join, in making present to governor, 369; decline to assist New York, lvi, lxxii, 295, 298, 302; Effingham's commission from the king sent to, 199, 200; exempted from arrests, 464, 468, 469, 470, 471; expenses of, to be borne by public, 60, 62, 395, 397; fine for absence without permission, 25, 197; fine for interrupting a member speaking, 25; fine for intoxication, 25; fine for flandering a member of the House, 26; form for returns upon writs for election of, 388; governor refuses to present address of, to king, 248; letter to Lord Arlington, 75, 97; letter to Lord Culpeper, 75; letter to the Duke of York, 75, 96, 97; letter to the king, 118; letters from commissioners for the affairs of Virginia, 90-95; message from Council, 232, 235, 242, 279, 308, 313, 320, 325, 328, 352, 362, 385, 395, 400, 442, 443, 445, 446, 459, 477, 480, 485, 488, 494; message from governor, 42, 130, 136, 140, 142, 162, 167, 169, 196, 203, 209, 215, 217, 221, 223, 227, 228, 230, 232, 234, 235, 236, 240, 242, 243, 246, 248, 249, 250, 251, 262, 272, 273, 274, 276, 277, 280, 289, 293, 294, 297, 300, 304, 306, 312, 315, 319, 328, 336, 338, 342, 373, 387, 395, 402, 416, 417, 418, 419, 422, 427, 428, 438, 449, 450, 453, 459, 477, 482; message from Wm. Fitzhugh, 165, 167; message to Council, 132, 202, 315, 324, 363, 439, 458, 488, 489, 490, 493; message to governor, 46, 53, 126, 130, 132, 134, 138, 139, 141, 142, 143, 144, 158, 161, 163, 192, 197, 202, 206, 208, 210, 219, 231, 232, 235, 237, 239, 245, 248, 249, 267, 270, 278, 291, 296, 298, 301, 302, 303, 311, 314, 320, 321, 322, 324, 336, 339, 364, 414, 418, 423, 425, 428, 439, 452, 470, 474, 482, 486, 487, 493; no arrests to be made at election of, 463, 464, 467; oath of, 25, 120; oath of clerk of House, xxxvii, 292, 293, 337; object to having representative in New York, 393; petition the king, 58, 67, 328, 369, 371; privileges as to arrests waived, 6; qualifications of voters in election of, 234; reasons for asking for a report on the 2s. per hhd. account, 207; refuse to join in petition asking for removal of Berkeley, 66; rules of the House, 25; salaries of all obedient

- and loyal burgeffes to be paid in full, 69; servants of, exempted from arrests, 464, 469, 470, 471; urged to reconsider New York's request for help, 300.
- Burgh (Burg), William, fined for contempt of court, 19.
- Burials, private, prohibited, 460, 461, 478, 479.
- Burlew, Thomas, paid for a fteer, 48.
- Burnham, John, burgefs, viii, x, 119, 121, 122, 126, 127, 136, 137, 138, 139; oath administered to, 120.
- Busby, Thomas, interpreter, 254; paid for fervices as interpreter, 171; paid 11,602 pounds of tobacco, 177; paid 1,000 pounds of tobacco affigned to Major Thorpe, 179; petitioner, 297, 341, 343.
- Bufh, Abraham, figner of petition from Lancafter County, 111.
- Bufh, Nicholas, figner of grievance from James City County, 108.
- Bufhrod, Richard, petitioner, 3.
- Bufhrod, Thomas, burgefs, vii; mentioned, 34.
- Butter, price of, to foldiers, 71.
- Byrd (Bird), William, account of tobacco in cuftody of, 175; burgefs, ix, x, 119, 127, 133, 136, 137, 138, 139, 141, 142, 157, 165, 168; claimant, 281; grantee for royal charter for college, 361; letter from, to the governor, 242; member of Council, 201, 335, 337, 339, 343, 363, 380, 381, 387, 395, 413, 414, 416, 419, 421, 442; oath of office administered to, 120; paid 1,429 pounds of tobacco, 84; paid out of the 2s. per hhd. account, 502; reimbursed in tobacco, 171, 176, 177, 178; report of, on tax on liquors, 340; to make report on tax on liquors, 339; tobacco affigned to Captain Armistead paid to, 179.
- C
- Cade, Robert, paid for fervices to country, 253.
- Caen, Jame, paid for taking packett to Lower Norfolk, 254.
- Callis, Ed., paid for taking up runaway, 177.
- Calthropp, Chritopher, burgefs, vii.
- Calvert, Charles, governor of Maryland, 22.
- Calvert, Philip, member of conference held in reference to improving the ftaple of tobacco, 23.
- Cambell, Hugh, allowance to, 138; mentioned, 152; paid for fending Indian woman into the Colony, 151.
- Cammack, Warwick, figner of grievance from Rappahannock County, 106.
- Canfield, Robert, burgefs, ix.
- Cant, ———, burgefs, 419, 421, 440, 442, 450, 452, 473, 484, 489.
- Cant, David, burgefs, vii, 17.
- Cant, John, burgefs, xv, xvi, 412; leave of abfence granted to, 430, 442; oath of office administered to, 413.
- Canterbury, Archbifhop of, letter to, 406, 407.
- Capital crimes, bill for the more fpeedy profecution of flaves committing, 472, 473, 476.
- Capons, price of, to foldiers, 71.
- Carleton, Chritopher, paid 577 pounds of tobacco, 173, 180.
- Carter, ———, burgefs, 49, 126, 127, 129, 132, 138, 141, 336, 340, 346, 352, 365, 372, 385, 396.
- Carter, Edward, member of Council, 47.
- Carter, Giles, paid 200 pounds of tobacco, 176.
- Carter, John, burgefs, vii, x, 23, 120, 127, 131, 136, 139, 142, 164, 166; oath of office administered to, 123.
- Carter, Robert, burgefs, xiv, 334, 347, 353, 381, 384, 387, 394; complaint againft, 403; oath of office administered to, 335.
- Carter, Thomas, figner of Lancafter County petition, 111.
- Carver, John, paid in tobacco, 175, 180.
- Carver, William, burgefs, viii, 32, 36, 39, 47; petitioner, 47, 50.
- Cary, ———, burgefs, xvi, 192, 193, 200, 217, 222, 244, 247, 250, 251, 319, 325, 329, 338, 342, 357, 360, 362, 364, 365, 366, 374, 417, 418, 419, 428, 432, 434, 435, 437, 438, 443, 444, 446, 455, 462, 493.
- Cary, Henry, paid 300 pounds of tobacco, 179.
- Cary, Miles, burgefs, vii, xi, xiii, xiv, xv, 40, 187, 189, 194, 227, 287, 288, 291, 333, 334, 337, 347, 353, 369, 379, 384, 395, 411, 412, 414, 416, 433, 439, 440, 445; grantee for royal charter for college, 361; oath of office administered to, 190, 290, 337, 413; petitioner, 389; reward for fervices of, recommended by the Council, 485, 488; fuit of, againft John Harlowe, 5.
- Cary, Miles, jr., clerk of Committee of Elections and Privileges, 450; clerk of Committee of Public Claims, 451.
- Cary, Thomas, paid for work on fort, 43.
- Cary, Tom, a flave, 458, 459.
- Cary, William, burgefs, xv, 413.
- Cafinett, Arnold, mentioned, 73.
- Cafwell, William, attorney for Edward Chappel, 50.
- Catchmaie, George, burgefs, vii.
- Cathon, James, paid for public fervices, 171, 179.
- Catlet, John, burgefs, xvi, 458; petitioner, 41.
- Cawfield, William, burgefs, vii.
- Cawthorne (Cawthan), Richard, paid for public fervices, 183, 253.
- Chamber, John, paid 500 pounds of tobacco, 82.
- Chamberlaine, Thomas, paid in tobacco, 173, 176; petitioner, 289, 334, 338; fheriff of Henrico County, 289.
- Chapman, William, penfioner, 83, 151, 172, 180, 254; petitioner, 124.
- Chappel, Edward, fuit of, againft John Ford, difmiffed, 50.
- Chapels, bill for building churches and, lxx, 460, 461, 477, 478, 480.
- Chappell, Kathary, paid for public fervices, 171.
- Chappell, Samuel, paid for public fervices, 171, 179, 255.
- Chappell, Zachary, paid 32 pounds of tobacco, 179.
- Charles, Philip, figner of grievance from James City County, 108.
- Charles, Philip, fr., figner of grievance from James City County, 108.
- Charles City County, burgeffes, vii, viii, xi, xii, xiii, xiv, xv, xvi, 32, 187, 189, 289, 298, 334, 379, 412, 426; complaint from, 455; expenditures, 175, 176, 254, 258; Flower de Hundred felected as fite for a town, 135; Francis Gray added to commiffion of, 8; grievances from, 301, 339, 421, 452; mentioned, 19, 224; petition from, 358; propofitions from, 124, 301, 339, 421, 452; remonftrance and addrefs of inhabitants of, 114; return of writ for election of burgeffes amended, 298.
- Charles City County, fheriff of, 289, 297, 298; tithables in, 176; to furnifh meat for foldiers, 72; town eftablifhed in, 172; writ for election of burgeffes for, 333.
- Chatwyn, Thomas, figner of petition from Lancafter County, 111.
- Chayne, Charles, member of the king's customs commiffion, 266.
- Cheeck, John, paid for fervices to country, 253.
- Cheelman, Thomas, burgefs, xii.
- Cherry Point, fort commiffioners to meet at, 49.
- Chewning, Thomas, ferryman, 181.
- Chicheley, Henry, lieutenant governor, xxxiii, xxxvi, 58; meffage from Burgeffes, 158, 161, 163; meffage to Burgeffes, 162, 167, 169; paid out of the 2s. per hhd. account, 500; prefent from the Colony, 60, 63, 114.
- Chichefter, William, paid 1,200 pounds of tobacco, 83.
- Chickahominy Indians, Manwaring Hamond purchafes land from, 11; petition from, 11, 343; Philip Mallory purchafes land from, 13.
- Children, bill fetting a penalty upon perfons refufing to baptize, 460, 461.
- Chiles, Walter, burgefs, viii, 21.
- Chilton, Edward, claimant, 205, 226, 244, 263, 275; clerk of Committee for Elections and Privileges, 411; clerk of Committee of Propofitions and Grievances, lxi, 337, 419, 451; clerk of General Affembly, 160, 162, 164, 169, 187, 193, 196, 208, 210, 212, 217, 222, 227, 233, 235, 236, 241, 243, 244, 245, 246, 247, 248, 250, 272, 273, 274, 277, 278, 281, 283; committee to examine book of patents tranfcribed by, 265; paid for fervices, 174, 180, 181, 183, 246, 247, 248, 253, 256, 279, 281, 299; petitioner, 442; propofition from, in reference to a prifon, 422; report of committee on book of patents tranfcribed by, 266.
- Chilton, Stephen, figner of Lancafter County petition, 111.
- Chiskiack (Chefecake, Chefquiack, Chefskoiack, Chiskoiack) Indians, to enjoy rights and privileges of other friendly Indians, 70; commiffion appointed to fettle difputes between Englifh and, concerning lands, 16; ownerfhip of lands confirmed, 13; permitted to ufe guns, 13.
- Chowny, Thomas, paid 129 pounds of tobacco, 174.

- Christ Church Parish, Lancaster and Payankatank
Parishes reunited and called Christ Church
Parish, 35.
- Chuckatuck Parish, vestry of, fined, 27.
- Chudley, Thomas, member of king's customs commis-
sion, 266.
- Church, Richard, burgess, ix.
- Churches, bill for building, lxx, 460, 461, 477, 478, 480.
- Churchill, William, burgess, xiv, 335, 339, 340, 341,
347, 352, 356, 357, 364, 365, 366, 369, 381, 387,
396, 399, 402, 404, 405, 406; oath of office ad-
ministered to, 335.
- Churchwardens, to keep churches in repair and to pro-
vide books and ornaments, 460, 461, 478, 479.
- Claiborne (Clayborne), Thomas, petitioner, 124, 126.
- Claiborne (Clayborn, Clayborne, Clayburne), William,
burgess, viii, 32, 36, 38, 49; ordered to deliver
to Thomas Ludwell all the papers belonging to
the secretary's office, 13; paid in tobacco, 81,
257; petitioner, 99; secretary of state, 4.
- Claiborne (Clayborne), William, jr., paid in tobacco,
84.
- Clark, Daniel and Jno. Stythe, paid 2,508 pounds of
tobacco, 84.
- Clayton, John, petitioner, 226.
- Clayton, Thomas, burgess, x, 157, 164, 165, 166; paid
for room used by committee, 174, 178.
- Clements, ———, paid 3,009 pounds of tobacco, 83.
- Clements, Benjamin, paid for serving on jury, 254.
- Clements, Francis, burgess, xv, 412, 414, 419, 433, 440,
442, 445; leave of absence granted to, 427; oath
of office administered to, 413.
- Clemons, John, fined for signing a petition injurious to
the justices of Surry County, 114.
- Clergy, proposition concerning, 198.
- Clerke, Daniel, paid for horse impressed, 172, 176.
- Clerke, John, mentioned, 442; paid for services to
country, 253; petitioner, 414.
- Clerks, bill prohibiting, from being attorneys in courts
where they officiate, 463, 464, 467.
- Clough, John, paid £10, 86.
- Cluny, Abraham, paid for public service, 172, 180.
- Cobb, Robert, salary of, 172, 179.
- Cock, Richard, paid 3,500 pounds of tobacco, 82.
- Cocke, Thomas, burgess, ix.
- Cockerain, William, burgess, viii, 25.
- Cockets, price of, 438, 439, 442, 443, 444.
- Codd, St. Leger, burgess, x, xi, xxxii, 120, 121, 122, 124,
129, 166, 168, 190, 194, 195, 197, 199, 200, 201,
234; Burgess addresses governor in reference to
Mrs. Bland's suit against, 204; fined for absence,
133, 136; governor's reply to Burgess' message
in reference to Mrs. Bland's suit against, 209.
- Cohabitation, act for, xxvii, 138; act repealing former
act for, xlv, 212, 213, 217; message from governor
in reference to bill concerning, 240, 241.
- Coins, bill for advancement of, 433, 434, 436, 444, 445,
474, 475, 476. *See also* Foreign coins.
- Colby, Robert, signer of grievance from James City
County, 108.
- Cole, Benedict, paid for taking up two runaways, 182.
- Cole, James, surveyor, 13.
- Cole, John, mentioned, 424; petitioner, 227.
- Cole, William, grantee for royal charter for college,
353, 361; letter from, 443.
- Cole, William, member of Council, 120, 121, 122, 123,
124, 125, 127, 128, 130, 133, 144, 163, 164, 189,
192, 193, 194, 197, 198, 203, 234, 290; memorial
signed by, 490; paid in tobacco, 81, 83, 171, 179;
paid out of the 2s. per hhd. account, 502; secre-
tary, lxiv, 383, 384, 385, 386, 405, 406, 407,
408.
- Collectors, bill concerning fees of, 474, 475, 476; bill
directing how sheriffs and collectors shall account
for public dues, 349, 350.
- College, committee appointed to draw up addresses to the
king concerning, 352; General Assembly petition
king for a charter to erect and endow, 368;
grantees for royal charter for, 361, 363; Jas.
Blair added to the committee appointed to draw
up addresses concerning, 353; propositions con-
cerning, 343, 344, 474; sites considered for, 353,
360, 465, 466; subscriptions to fund for building,
in Virginia, 12, 366, 373; to be named College
of King William and Queen Mary, 368. *See
also* William and Mary College.
- Collier, Henry, paid 100 pounds of tobacco, 180.
- Collins, Matthew, signer of grievance from James City
County, 108.
- Colony, act for better preservation of the peace of
Virginia, 205, 207, 208; act for better supply of
country with arms and ammunition, 218, 219,
220, 222, 223, 227; act for raising a public revenue
for better support of the government of, xxii,
xxiii, xxvi, 120, 125, 126, 129, 130, 131, 132, 133,
134, 144, 207; act for the better defence of the
country, 218, 219, 220, 222, 223, 227, 232, 235,
355, 356, 357, 360, 361, 362, 365, 384, 397, 400,
401, 404, 422, 424, 427, 434, 436, 442, 443; act
to repeal act for better defence of the country,
266, 268, 269, 279; part of money raised by tax
on tobacco to be left in bank in England for use
of, 75.
- Colston, William, burgess, xiv, xv, xvi, 380, 385, 396,
411, 412, 419, 428, 433, 451, 492, 493; leave of
absence granted to, 439; oath of a burgess ad-
ministered to, 380, 413.
- Coman, William, paid in tobacco, 172, 179.
- Comp, Thomas, paid for serving on jury, 254.
- Compositions, bill concerning, 193, 205, 207, 208; message
from governor, concerning, 210, 212, 213, 215.
- Confett, John, paid £5, 5s., 86.
- Conveyances, bill against fraudulent, 466, 468, 469,
471; made in England, to be recorded in secre-
tary's office, 468, 469, 472.
- Coole, William, mentioned, 102.
- Cooper, George, burgess, xiv, 381, 391, 398; oath of
office administered to, 381; paid for public ser-
vices, 171, 182.
- Copeland, Joseph, custodian of ornaments, etc., be-
longing to the House, 325; petitioner, 340.
- Copely, L. [Copley, Sir Lionel], letter from, 392.
- Corbyn, Gawin, letter from, 443; paid £20, 500;
treasurer of money to be used by W. Blath-
waite and J. Blair, 405, 406, 407, 408.
- Corbyn, Henry, account of the 2s. per hhd. duty col-
lected by, 501; burgess, vii, 17, 23; salary of,
500.
- Corn, millers to be fined for refusing to grind, 33; propo-
sition concerning, 429; soldiers to have certain
land to plant, upon, 72.
- Coroner, bill appointing fee of, 463, 464, 467.
- Corotoman (Chorotoman), fort to be erected at, 47.
- Cossina, Arnall, mentioned, 152.
- Council, bill punishing offenders for defaming the gov-
ernor's Council, 472, 473, 475; copy of minutes
of, dated June 9, 1680, sent to England, 144;
message from Burgess, 132, 202, 315, 324, 363,
439, 458, 488, 489, 490, 493; message to Burgess,
232, 235, 242, 279, 308, 313, 320, 325, 328, 352,
362, 355, 395, 400, 442, 443, 445, 446, 459, 477,
480, 485, 488, 494.
- Country, act for the better defence of, xlv, l, lxx, 218,
219, 220, 222, 223, 227, 232, 235, 355, 356, 357,
360, 361, 362, 365, 384, 397, 400, 401, 404, 422,
424, 427, 434, 436, 442, 443; act for the better
supply of, with arms and ammunition, xlv, 218,
219, 220, 222, 223, 227, 474, 475, 476; bill to
repeal act for better defence of, 266, 268, 269,
279.
- County courts, bill appointing, 462, 463, 466, 485, 491;
bill appointing how actions are to be entered at,
463, 467, 485, 491; bill empowering, to grant
probates of wills and administrations, 465, 468,
469, 470, 471; bill for altering the first day of,
in some cases, 436, 438, 439, 443, 444; bill for
ascertaining fees of clerks, 476; bill prohibiting,
from making by-laws, 266, 268, 269.
- County seats, establishment of, considered, 30.
- Courley, Henry, member of conference held in reference
to improving the staple of tobacco, 23.
- Court houses, to be paid for out of public levy, 28.
- Courts, act prohibiting private, 485; bill appointing
the method of holding, 460, 461, 466, 484; bill
appointing the value each court shall have juris-
diction of, 462, 463, 466, 485; bill appointing,
to provide law books, 462, 463, 466, 484. *See
also* County courts and General Court.
- Cowles, Edmund, signer of grievance from James City
County, 108.
- Cox, Vincent, paid for horse, 173, 182.
- Crabtree, James, paid for delivering public letters, 172,
180.
- Crawford, ———, burgess, 303, 318, 325.
- Crawford, David, burgess, xiv, 380, 386; oath of office
administered to, 380.
- Crawford, William, burgess, xiii, 288; oath of office ad-
ministered to, 290.

Creditors, bill allowing priority of payment to country creditors, 468, 469, 470, 472.
 Creffield, Edward, paid for public services, 172, 180.
 Criminals, bill about prosecution of negro, 396, 397, 399; bill declaring how and where they shall be tried, 462, 463, 466, 484; bill declaring how the charge arising by, shall be paid, 306, 308, 310, 341, 342, 343, 346, 348, 349, 350, 355; bill regulating the charge of, 272, 273, 275, 276, 299, 303; message from Council in reference to charge arising by, 313; proposition concerning, 37; title of bill for charge of, changed to "Bill declaring how charge arising by, shall be paid," 306.
 Crompton, Charles, paid 200 pounds of tobacco, 179.
 Crow, Thomas, paid for services to country, 253.
 Crows, proposition concerning, 429.
 Crowshaw, Joseph, burgess, vii; trouble with R. Ellison adjusted, 19.
 Crump, ———, suit against William Carver dismissed, 50.
 Crump, Stephen, paid for repairing arms, 257.
 Culpeper, Thomas, Lord, Burgess addresses the governor in reference to claim of, 237; claim of, xlv, 230, 235, 244; copy of Burgess' address to, dated June 9, 1680, sent to England, 144; copy of demise and grant to, sent to the House, 201, 399; governor, xxi, xxix, 135; governor's reply to Burgess' address in reference to claim of, 242; letter from General Assembly, 75; message from Burgess, 126, 130, 132, 134, 138, 139, 141, 142, 143, 144; message to Burgess, 130, 136, 140, 142; petition of General Assembly to the king signed by, 145; reimbursed tobacco paid soldiers, 258; salary of, 143; statement giving an account of how he conducted himself as governor, xxiv.
 Curratuck, petition of inhabitants of, 123; sheriff of Lower Norfolk to collect rents and levies from inhabitants of, 153.
 Curriers, bill declaring duty of, 345, 349, 350, 353, 354, 357, 360, 361, 362, 473; proposition to have act concerning, repealed, 423.
 Curfing, bill for the more effectual suppressing the sin of, 350, 353, 354, 359, 360.
 Cusins, John, to testify against Thos. Barber, 193.
 Custis, John, Major General, paid 74,975 pounds of tobacco, 81; paid £350, 148, 86.
 Custis, John, member of Council, 144, 167, 290; complaint against, liv, 301, 311, 314, 319, 320.
 Custis, John, burgess, vii, ix, xi, xii, xv, xvi, xli, 77, 187, 190, 203, 206, 208, 211, 212, 217, 225, 240, 244, 250, 261, 262, 263, 268, 271, 272, 273, 274, 275, 279, 280, 414, 415, 419, 428, 432, 433, 434, 450, 451, 461; leave of absence granted to, 441, 474; oath of office administered to, 414; petitioner, 234; proposition from, 340.
 Custis, John, jr., signer of Northampton County grievance, 101.
 Custis, William, burgess, ix, 77.
 Custis and Pace, paid 3,000 pounds of tobacco, 82.
 Custom frauds, act for preventing, xlv, 222, 225, 227, 305, 306.

D

Dabney (Daubenie, Daubney), Cornelius, paid in tobacco, 81, 172, 180, 181.
 Dale, Edward, burgess, ix, 110.
 Darby, Daniel, paid 75 pounds of tobacco, 82.
 Darden, Jacob, paid for taking up runaway, 177.
 Davies, David, signer of grievance from James City County, 108.
 Davis, Hugh, paid for taking up runaways, 176.
 Davis, John, signer of grievance from Isle of Wight County, 104.
 Davis, Moses, paid for serving on jury, 172, 180; paid for use of horse, 172, 180.
 Davis, Somerset, paid for taking up two runaways, 180.
 Davis, Thomas, dismissed from commission of Nanjemond County, 9; paid for taking up a runaway, 176.
 Davy, Thomas, paid for taking up runaway, 180.
 Dawen, Daniel, exempted from levie, 8.
 Day, Richard, paid for taking up runaway, 181.
 Day, Thomas, paid for services to country, 253.
 Day of humiliation, 296, 297, 338.
 Deane, John, signer of grievance from James City County, 108.

Debtors, proposition for repealing the law concerning, 23.
 Debts, bill concerning foreign, 468, 469, 470, 472; courts to give priority of judgments for domestic debts, 28.
 Declaration, bill appointing the declaration and answer to be filed, 462, 463; bill ascertaining time for filing, 463, 466, 467, 485.
 Dedimus potestatem, bill concerning, 462, 463, 466, 467, 485, 490, 492.
 Dennis, Edward, warrant issued for arrest of, 19.
 Denison, William, burgess, vii.
 Dering, John, signer of petition from Lancaster County, 111.
 Dickenfon, Griffith, fined for erecting a weir, 49.
 Dickinson, William, member of customs commission, 266.
 Diggafon, John, paid for delivering letter, 257.
 Diggs, Mrs., claimant, 138.
 Diggs, Edward, given 100 pounds sterling for promoting the manufacture of silk, 57; treasurer of the 2s. per hhd. account, 57.
 Diggs, Mrs. Elizabeth, mentioned, 114.
 Dines, Richard, paid 777 pounds of tobacco, 181.
 Discounts, bill allowing, to be made in court, 468, 469, 470, 472.
 Dodman, Charles, paid for taking up runaway, 181.
 Doeg Indians, mentioned, 107.
 Doiby, John, given a premium for making woolen cloth, 22.
 Dolby, Peter, paid 500 pounds of tobacco, 82.
 Dongan, Thomas, governor of New York, 294, 295.
 Donyephann, Alexander, signer of grievance from Rappahannock County, 106.
 Dorman, John, case of, given as reason for passing bill concerning elcheators' and sheriffs' fees, 240.
 Dowers, bill establishing, 465, 468, 469, 471.
 Downing, John, burgess, xv, 432, 444; oath of office administered to, 442; petition of inhabitants of Northumberland on behalf of, 415.
 Doyly, ———, thanks of House for sermon, 198.
 Dragon Swamp, Lancaster, Gloucester and New Kent Counties to bear expense of building bridge over, 48.
 Draper, William, paid for public services, 171, 179.
 Drew, William, paid for use of horse, 255.
 Drummond (Dromond), John, estates of certain persons in Boston to be seized to pay for services of servant of, 18.
 Drummond, William, judgment to T. Bland against, 5; messenger, lxvii, lxxi, 338, 340, 345, 346, 356, 357, 372, 380, 382, 417, 445, 446, 452; petitioner, 37, 337, 413, 446.
 Drunkennells, bill concerning, 350, 353, 354, 359, 360.
 Ducking stools, to be erected in each county, 462, 463, 467, 485, 493.
 Dudley, Robert, burgess, xii, xiii, 288, 314, 321; oath of burgess administered to, 290.
 Duke, Henry, burgess, xiv, xv, xvi, 379, 380, 393, 411, 412, 413, 416, 419, 437, 438, 444, 445, 451, 475, 486, 492; claimant, 274, 275; leave of absence granted to, 440, 493; oath administered to, 413.
 Duke of York (a ship), 202.
 Dunbar, ———, paid for use of boat, 172, 180.
 Dunbare, Gawen, paid out of the 2s. per hhd. account, 502; paid 3,800 pounds of tobacco, 81; petitioner, 264.
 Dunn, Gabriel, paid 200 pounds of tobacco, 179.

E

Eaft, John, paid for public services, 171, 179.
 Eburne, ———, minister, 366.
 Ecoms, William, signer of grievance from James City County, 108.
 Edmundfon, Thomas, burgess, xvi, 453; leave of absence granted to, 484.
 Edwards, William, burgess, xvi, 450, 451, 461, 477, 485, 487, 488, 490, 492, 493, 494; clerk of General Assembly, lxi, 289, 290, 293, 296, 297, 300, 304, 306, 307, 308, 312, 313, 314, 315, 319, 320, 321, 325, 327, 328, 329, 336, 342, 346, 347, 349, 352, 354, 356, 357, 358, 361, 362, 363, 365, 366, 372, 373, 374, 375, 383, 384, 385, 387, 389, 393, 394, 395, 399, 400, 401, 402, 404, 411, 417, 419, 421, 427, 435, 438, 442, 443, 445, 446; petitioner, 299, 342.

Effingham, Francis Howard, governor, xi; letter from Wm. Blathwait, 307; letter to Privy Council for Trade and Plantation, 503; mentioned, 416, 418; message from Burgeffes, 192, 197, 202, 206, 207, 208, 210, 212, 219, 231, 232, 235, 237, 239, 245, 247, 248, 249, 267, 270, 278, 296, 298, 301, 302, 303, 309, 311, 314, 320, 321, 322, 324; message to Burgeffes, 196, 203, 209, 215, 217, 221, 223, 227, 228, 230, 232, 234, 235, 236, 240, 241, 242, 243, 246, 248, 249, 250, 251, 262, 272, 273, 274, 276, 277, 280, 289, 291, 293, 297, 300, 304, 306, 312, 315, 319, 328.
Eggs, price of, to foldiers, 71.
Elizabeth City County, burgeffes, vii, viii, x, xi, xii, xiii, xiv, xv, xvi, 32, 189, 288, 334, 379, 380, 394, 412; case of Gundry and Price referred to court of, 17; confiscation of shot for, 73; expenditures, 175, 178, 255, 258; grievances from, 122, 198, 297, 340, 385, 421; mentioned, 170; petition from, 342; propositions from, 340, 385, 421, 428, 455; Richard Bland added to commission of, 8; to furnish beef or pork for foldiers for one month, 72; writ for electing burgeffes for, 158, 382.
Elizabeth River, mentioned, 367; petition of inhabitants of town on, 342.
Ellet, Thomas, paid for services to country, 255.
Ellingworth, William, paid in tobacco, 179.
Elliott, William, paid for delivering public records, 172, 180.
Ellis, James, deposition of, 166.
Ellison, Robert, burgefs, vii, viii, 21, 25; trouble with J. Croshaw adjuted, 19.
Ely, John, mentioned, 172.
Emperour, Francis, member of Lower Norfolk County commission, 17.
England, Colonel Morrison, agent for Virginia in, 43, 45; committee appointed to consider sending a representative to, 39; documents sent to, 144; mentioned, 323, 367; ships sail for, 394.
English measures, to be provided in each county, 465, 468, 469, 470, 471.
English money, act prohibiting transportation of, 141.
English weights, to be provided in each county, 465, 468, 469, 470, 471.
Enol, Bartholomew, petitioner, 49.
Epperfon, John, paid for taking up runaway, 180.
Eppes, Francis, burgefs, xiv, xvi, 334, 336, 346, 356, 362, 365, 379, 393, 451, 455, 462, 474, 492, 493; leave of absence granted to, 468; oath of office administered to, 335.
Eps, John, to determine the boundaries of Westover and Martin Brandon Parishes, 19.
Esccheators, act ascertaining the fees of, xlvii, 220, 221, 222, 227, 231, 239; appointment and fees of, to be determined by governor, 241; Burgeffes' reasons for passing bill concerning, 236, 239, 240.
Esccheats, bill concerning, 193, 205, 207, 208; messages concerning, 210, 212, 213, 215.
Essam, John, paid for taking up runaway, 181.
Essex County, burgeffes, xv, xvi, 412; formation of, lxx; petitions from, 422, 432.
Evans, John, paid for services to country, 253; petitioner, 342; proposition from, 340.
Execution, persons under, to redeem bodies with estates, 463, 464, 467; bill directing how execution granted upon order of General Court must issue, 462, 463, 467.

F

Fantleroy, Moore, burgefs, vii; certain lands confirmed to him and his heirs forever, 12; purchases lands from the Indians, 9; trouble with Rappahannock Indians adjuted, 15.
Farrar, ———, burgefs, 38, 136, 163, 166, 211, 212, 219, 250; proposition from, 38.
Farrar, John, burgefs, x, xi, 121, 122, 131, 160, 187, 189; oath of a burgefs administered to, 120, 190.
Farrar, William, burgefs, vii, viii, 25, 32, 36, 47; sheriff of Henrico County, 334.
Farrell, Hubert, estate of, paid 10,000 pounds of tobacco, 84.
Fauce, Stephen, grantee for royal charter for college, 363; thanks of House for sermon, 338, 395, 416; to preach thanksgiving sermon, 385.
Peereby, John, paid for taking up runaways, 178.

Feme coverts, bill empowering, to make good acknowledgments of the sales of land, 466, 468, 469, 472.
Fences, bill concerning, 468, 469, 472.
Fenn, John, paid for taking up runaway, 183.
Field, Abraham, paid for taking up runaway, 182.
Field, Peter, burgefs, xiii, xv, 293, 296, 298, 299, 301, 310, 324, 325, 412, 433, 442, 444; election contested, 289; oath of office administered to, 290, 413.
Fielding, Edward, summoned to appear before House, 417.
Filmore, Henry, burgefs, viii, 36, 37, 43, 49.
Fines, to be accounted for every Saturday, 36.
Fifth, bill repealing act against striking, 271, 272, 273, 275, 279.
Fifth, John, signer of grievance from James City County, 108.
Fisher, Henry, signer of grievance from James City County, 108.
Fisher, Mrs. Sufanna, house of, used by House of Burgeffes, xxi.
Fisher, William, mentioned, 76; paid 8,020 pounds of tobacco, 81.
Fitzhugh, William, burgefs, ix, x, xi, xvi, xxxiv, lxx, lxxi, lxxii, 121, 123, 128, 131, 132, 133, 136, 137, 139, 157, 160, 163, 164, 187, 188, 189, 191, 192, 193, 194, 195, 196, 199, 202, 212, 218, 353, 449, 451, 453, 456, 458, 460, 462, 463, 464, 465, 468, 470, 472, 473, 475, 476, 477, 480, 484, 486, 487, 490, 492; charges against, liti, 268; committee to draw up charges against, 265, 266; copy of charges against, sent to governor, 271; date for trial of, 271, 306; evidence relating to charges against, to be delivered to the attorney-general, 282; governor urged to prosecute case against, 303; mentioned, 305; message to burgeffes, 165, 167; oath of office administered to, 120, 190; paid in tobacco, 171, 178, 181, 183; undertaker for Potomac garripon, 171, 181, 182.
Flax, planting and working of, encouraged, 353, 354, 356, 357, 360, 361, 362, 365; proposition concerning, 423, 456; feed to be distributed among the counties, 20.
Fleet, John, petitioner, 49.
Fleming, John, paid for serving on jury, 172, 180.
Flint, Richard, burgefs, 415; election contested, 417, 421, 432; signer of Lancaster County petition, 111.
Flour, price of, to foldiers, 71.
Flower de Hundred, selected as site for a town, 135.
Flowers, Ralph, clerk of York Parish, 366.
Floyd, George, paid for taking up runaways, 178.
Ford, John, petitioner, 50.
Ford, Richard, burgefs, vii.
Foreign debts, bill concerning, 468, 469, 470, 472.
Foreman, William, paid in tobacco, 170, 177, 256.
Forgison, John, paid for services to country, 253.
Fornication, bill for the more effective suppressing of, 350, 353, 354, 359, 360, 460, 461, 478, 479.
Fornifold, John, grantee for royal charter for college, 363.
Forts, bill for continuing, 137; commissioners to appoint a receiver of fort duties, 56; committee to wait on governor in reference to, 46; conference to determine the power of commissioners, 49; county courts to appoint commissioners, 48, 56; duties to be used in defraying expenses of counties belonging to the associations, 87; instructions for commissioners, collector and treasurer of fort fund, 68; king petitioned to discontinue fort at Point Comfort, 42; petition of inhabitants of Lower Norfolk County in reference to erecting, at Point Comfort, 109; places and dates set for meetings of the commissioners, 49.
Foster, Joseph, burgefs, xi, xiii, xlii, xliii, 189, 192, 193, 194, 195, 196, 198, 207, 212, 217, 242, 247, 288, 291, 292, 321; censured by the House, 210, 211; claimant, 210, 244; note sent to, by Colonel Kendall, and answer thereto, 214; oath of office administered to, 190, 290; petitioner, 205, 209, 211, 214, 215; remuneration for himself and men, 258.
Foulke (Fowke), Thomas, burgefs, vii.
Fowke, Gerard, burgefs, viii, 21, 25; fined and disqualified for public office, 14; trouble between, and Wahanganoche referred to a commission, 16.

Fox, David, burges, ix, x, xi, xii, xv, 120, 129, 189, 195, 206, 207, 210, 211, 212, 222, 265, 412; fined for absence, 250; oath of office administered to, 128, 190; signer of Lancafter County petition, 111.
 Foxcroft, Isaac, burges, ix, xii, 77, 262, 265, 266, 268; paid for public services, 81, 86; petitioner, 193; sheriff of Northampton, 190, 193.
 Frame, Arthur, paid for raking up runaway, 183.
 Franklin, Henry, summoned to appear before House, 417.
 Franklyn, John, paid for services to country, 253.
 Freeman, Bridges, paid for use of ferry, 174.
 Friendship of Hull (a ship), 500.
 Frith, Samuel, petitioner, 343.
 Frizell, George, paid 1,800 pounds of tobacco, 81.
 Fulgham, Anthony, signer of grievance from Isle of Wight County, 104.
 Pulling Mills, erection of, encouraged, 430, 432, 433, 434, 436, 442, 472, 473, 476.
 Furs, act laying imposition upon, for the better support of William and Mary College, lxvii, 475, 484, 486, 487, 489, 492.

G

Gaines, Robert, paid for services to country, 253.
 Gammon, John, paid for delivering public letters, 171, 179.
 Gardner, Thomas, discharged from bond, 70; paid £50, 86; paid in tobacco, 76, 175, 182; to apologize to N. Bacon and pay for damage to sloop, 66.
 Garey, James, paid 562 pounds of tobacco, 81.
 Garrisons, committee to proportion tobacco to be levied for defraying expenses of, 142; money appropriated for expenses of, 152; report of committee on expenses of, 139.
 Gascoin, Henry, paid for taking up runaway, 182.
 Gawler, Henry, paid in tobacco, 174, 177, 178, 257.
 General Court, affidavits taken in counties to be used in, 492, 494; bill appointing adjournments in, 462, 463, 466, 484; bill ascertaining time for filing declarations in, 462, 463, 466, 484; first day of, to be altered in some cases, 435, 436, 438, 439, 443, 444; time for holding, altered, 204, 205, 208.
 George, Nicholas, signer of petition from Lancafter County, 111.
 George, the Armenian, given a premium for making silk, 21.
 Gettenig, Thomas, complaint of, rejected, 429.
 Gettings, John, proposition, signed by, 420.
 Gibbs, John, paid for public services, 171, 179.
 Gibson, Alexander, paid 4,000 pounds of tobacco, 82.
 Gilbert, James, paid 450 pounds of tobacco, 81.
 Glebes, bill for laying out of, lxx, 460, 477, 478.
 Glen, John, paid for use of horse, 257.
 Gloucester County, burges, vii, viii, x, xi, xii, xiii, xiv, xv, xvi, 32, 187, 189, 334, 380, 412; complaint of, against Robt. Beverley, 88; confinement of shot for, 73; court of, authorized to make laws concerning runaways, 12; election returns not made according to law, 380; expenditures, 175, 180, 254, 258; grievances from, 199, 296, 339, 386, 421; John Pate, Anthony, and William Howard added to the commission of, 9; petition of Thomas Read referred to, 51; proposals from, 87, 88; propositions from, 125, 339, 386, 421; return of writ for election of burges, 411; return of writ for election of burges amended, 289, 382; sheriff of, 289; tithables in, 180; to help bear expense of bridging swamp on Rappahannock River, 17; town established in, 171, 181.
 Goddon, John, petitioner, 43.
 Godson, Peter, naturalization of, 42.
 Godwin, ———, burges, xvi, 452.
 Godwine, Isaac, mentioned, 76.
 Gonfallus, Lawrence, paid for taking up runaways, 178.
 Goodrich, Charles, sheriff of Charles City County, 297, 298.
 Goodridge, ———, complaint against, by king of Mattaponi Indians, 16.
 Goodridge, Benjamin, sheriff of James City, 413, 414.
 Goodwyn, Thomas, speaker, 67.
 Goofe, Samuel, petitioner, 192.
 Goring, John, paid 3,900 pounds of tobacco, 82.
 Goffe, William, mentioned, 18.
 Gothrick, Quintilian, paid for powder, 255.

Gotley, Richard, to have benefit of the act granting seven years liberty after date of patent for leasing land, 50.
 Gouldman (Goldman), Thomas, burges, x, 122, 127, 131, 136, 137, 139, 140, 142, 160, 163, 165, 168; oath of office administered to, 120; signer of grievance from Rappahannock County, 106.
 Government, act for raising a public revenue for better support of, xxii, xxiii, xxvi, 120, 125, 126, 129, 130, 131, 132, 133, 134, 144, 207.
 Governor, house to be built for, 208, 458; liquors sent to exempt from tax, 441, 444; location of house for, to be determined by Eppingham, 215; provision made for a guard for, 22, 28, 64. *See also* Andros, Edmund; Berkeley, William; Chicheley, Henry; Culpeper, Thomas, Lord; Howard, Francis, Lord Eppingham; Jeffreys, Herbert; Moryson, Francis; Nicholson, Francis.
 Gower, Abel, burges, ix; paid 300 pounds of tobacco, 84; surgeon, 171.
 Grand juries, bill appointing, to prevent offenders, 462, 463, 467, 485, 495.
 Grantham, Thomas, paid 3,110 pounds of tobacco, 83.
 Gravenrod, Andrew, paid for taking up runaways, 310.
 Gray, Francis, added to the commission of Charles City County, 8; burges, viii.
 Green, Edward, fined for signing a petition injurious to the justices of Surry County, 114.
 Green, John, petitioner, 76.
 Green, Thomas, paid 750 pounds of tobacco, 84.
 Green, Ralph, jr., mentioned, 353.
 Greene, Robert, paid for taking up runaway, 177.
 Grey, Tatam and Herbert, ———, paid 936 pounds of tobacco, 84.
 Griffen, Samuel, to succeed Thomas Hawkins, 79.
 Griffin, John, paid for public services, 256.
 Griffith, Edward, burges, vii, viii, 21, 25.
 Grindon, Thomas, paid out of the 2s. per hhd. account, 502.
 Grift mills, erection of, encouraged, 472, 473, 476.
 Gun, James, paid for taking up a runaway, 176.
 Gundry, John, case of, referred to Elizabeth City County court, 17.
 Gunn, James, paid for taking up a runaway, 176.
 Gwin, Edward, paid for taking up runaway, 180.
 Gwinne, Humphrey, paid 9,650 pounds of tobacco, 81.

H

Hacker, Henry, petitioner, 128.
 Halet, Edward, exempted from payment of public levies, 49.
 Hallet, William, committee to meet at house of, 452.
 Hamelyn, Stephen, burges, viii, 21.
 Hamerly, Francis, tobacco assigned Mr. Brent paid to, 173, 182.
 Hamilton, Andrew, mentioned, 445.
 Hamilton, Andrew, postmaster general, 489.
 Hammond, Manwaring, burges, vii; exempted from payment of levy, 8; major-general of Virginia, 3; paid for services, 7; purchases lands from Chickahominy Indians, 11.
 Hamond, Francis, land grant rights given to, 4.
 Hanes, Thomas, signer of grievance from James City County, 108.
 Hansford, William, paid for serving on jury, 254.
 Hanfen, John, paid 2,720 pounds of tobacco for words, 83.
 Hardidge, William, burges, x, xii, xiii, xiv, xv, xvi, 164, 262, 263, 268, 271, 273, 275, 278, 287, 288, 291, 308, 324, 329, 334, 337, 353, 354, 357, 384, 396, 400, 403, 404, 405, 412, 419, 424, 444, 445, 452, 453, 458; oath of office administered to, 290, 335, 413; proposition signed by, 422.
 Hardin, George, paid 1,440 pounds of tobacco, 81.
 Harding, ———, paid for use of boat, 256.
 Harlowe, John, judgment against, for planting tobacco contrary to law, 12; suit against by Cary and Brewer in reference to a land grant, 5; suspended from commission, 6.
 Harmanfon, Thomas, burges, xiii, xiv, 288, 318, 334, 353, 381; oath of office administered to, 290, 335; paid 10,347 pounds of tobacco, 82; signer of Northampton County grievance, 101.
 Harmur, Thomas, paid for services of servant and horse, 253.
 Harquip, Mangoi of the Chickahominy Indians, 11, 13.
 Harris, Alice, petitioner, 124.
 Harris, Thomas, complaint of, against J. Partridge, 17.

- Harris, William, paid for his services in the West, 55.
 Harrifon, Benjamin, burgess, ix, x, xiv, 121, 122, 132, 139, 165, 345, 346, 347, 350, 352, 353, 359, 357, 359, 360, 362, 365, 366, 369, 379, 380, 391, 394, 396, 399, 401, 402, 404, 405; grantee for royal charter for college, 361; leave of absence granted to, 383; oath of office administered to, 120, 343; paid 540 pounds of tobacco, 83.
 Harrifon, Daniel, signer of Lancaster County petition, 111.
 Harrifon, Edward, clerk of committee for inspecting records, 166, 196; paid for services as clerk of committee, 175, 178, 257.
 Harrifon, Matthew, petitioner, 76.
 Hart, Augustine, paid for services as juror, 175.
 Hartwell (Heartwell), Henry, burgess, xi, xii, xiv, 187, 189, 192, 193, 194, 195, 208, 218, 220, 225, 227, 235, 248, 250, 251, 263, 273, 279, 280, 282, 283, 334, 335, 336, 337, 338, 347, 350, 352, 353, 357, 359, 360, 361, 363, 365, 366, 369, 374, 379, 380, 383, 384, 396, 399, 401, 403, 404, 405, 406; claimant, 274, 275; clerk of General Assembly, xxiii, 127, 129, 130, 131, 132, 136, 137, 141, 142, 143; grantee for royal charter for college, 361; justice of the peace, 338; member of Council, 449; oath of a burgess administered to, 190, 335; paid 3,000 pounds of tobacco, 82; salary of, 138, 139.
 Hartwell, William, paid 2,400 pounds of tobacco, 83.
 Harwood, George, fined and ordered to apologize to Governor Morrison, 17.
 Harwood, Humphrey, burgess, xii, xv, 262, 275, 278; election contested, 417.
 Hatcher, William, paid for taking up runaway, 176.
 Hats, report of committee concerning manufacture of, 205.
 Haviland, Anthony, judgment granted T. Moore against, 80.
 Hayden, Thomas, paid for taking up runaway, 181.
 Haye, ———, petitioner, 49.
 Hayle, George, paid for laying out town, 174.
 Hayle, John, paid for laying out town, 181.
 Haynes, Richard, public executioner, 76.
 Hayney, John, paid for laying out town, 173, 182.
 Hayward, Samuel, burgess, xii, 262, 265, 268, 272, 275.
 Heale, George, burgess, xvi, 451, 453.
 Heath, Adam, fined for signing a petition injurious to the justices of Surry County, 114.
 Hemp, planting and working of, encouraged, 353, 354, 356, 357, 360, 361, 362, 365, 473; proposition concerning, rejected, 456; proposition to have act concerning repealed, 423.
 Heaman, Isaac, paid for taking up runaway, 183.
 Henrico County, addresses from inhabitants of, 36; burgesses, vii, viii, ix, x, xi, xiii, xiv, xv, xvi, 32, 187, 189, 334, 339, 379, 412, 413, 426; complaint of inhabitants of, against Gardner, 66; confinement of shot for, 73; expenditures, 176, 255, 258; fined for not electing two burgesses, 55; grievances from, 340, 386, 420, 452; petition from, 358; propositions from, 125, 340, 386, 420, 428, 452, 454; return of writ for election of burgesses for, 421; sheriff of, 289, 334; tithables in, 176; town established in, 173, 176; Varina selected as site for town, 135.
 Hens, price of, to soldiers, 71.
 Herbert, ———, and Tatam Grey, paid 936 pounds of tobacco, 84.
 Herbert, Andrew, citizenship conferred upon, 42; signer of Lancaster County petition, 111.
 Herd, David, paid for use of boat, 257.
 Herflet, ———, Committee of Propositions and Grievances to meet at house of, 419.
 Heyman, Peter, petitioner, 421, 422, 430; memorial signed by, 489; mentioned, 431.
 Hickes, John, paid for taking up runaway, 177.
 Hides, proposition in reference to act concerning, 23.
 Highways, surveyors for, to be appointed annually, 468, 469, 472.
 Hill, ———, burgess, 43, 48, 49.
 Hill, Edward, burgess, ix, xi, 38, 39, 187, 189, 209; election contested, 289, 298; member of Council, 413, 442, 449; mentioned, 437, 441; oath of a burgess administered to, 190; speaker, xli, 188, 192, 196, 197, 203, 210, 211, 214, 215, 217, 218, 221, 222, 223, 228, 230, 232, 235, 236, 240, 241, 242, 243, 244, 247, 248, 249, 250, 251, 258; testimony of respect and esteem of burgesses for, 126; treasurer, lxiii, lxviii, 360, 399, 401, 445, 446, 491, 494.
 Hill, Edward, executors of, to account for powder and shot, 22.
 Hill, John, high sheriff of Lower Norfolk, 21.
 Hill, Nicholas, burgess, viii, 32, 36, 47, 57.
 Hill, Richard, burgess, vii, 25.
 Hill, Thomas, paid 1,500 pounds of tobacco, 82.
 Hinckson, Jacob, paid for taking up runaway, 177.
 Hinman, Richard, paid 400 pounds of tobacco, 82.
 Hinton, Edmond, paid for taking up runaway, 177.
 Hix, Jehu, petitioner, 414.
 Hobson, George, petitioner, 76.
 Hobson, John, doorkeeper, 257; paid for services as doorkeeper, 175, 177.
 Hockady, Thomas, paid for taking up runaways, 176.
 Hodges, John, paid for taking up runaways, 176.
 Hodges, Thomas, burgess, xvi, 453, 455, 489.
 Hogs, belonging to Indians to be marked, 426, 433, 434, 436, 442; bill against stealing, 472, 473, 476.
 Holden, Charles, paid 1,200 pounds of tobacco, 83.
 Holeman, Robert, paid for public services, 171, 179.
 Holidays, no arrests to be made on, 463, 464, 467.
 Holliday (Holladay, Holiday, Holyday), Anthony, burgess, xv, xvi, 412, 421, 489; leave of absence granted to, 470; oath of a burgess administered to, 413.
 Holt, Randolph, paid 360 pounds of tobacco, 83.
 Holt, Robert, burgess, 47, 107.
 Hone (Hond, Howne), Theophilus, attorney for Mrs. E. Ludman, alias Perkins, 18; burgess, 32, 37, 43; fined for erecting a weir, 49; not to sit at trial of Gundry and Ann Price, 17; paid in tobacco, 81, 83; to have use of certain houses in James City, 73.
 Hooke, Jeremiah, mentioned, 70.
 Hope, John, estate of, reverted to New Kent County on account of non-existence of heirs, 5.
 Hopwood, John, paid for taking up runaways, 178.
 Horfes, act for improving breed of, li, 279; certain stray, unclaimed, to be fold, 124, 126; importation of, prohibited, 60; running of at large and barking fruit trees, prohibited, 348, 349, 350, 354, 359; stoned horses not to run at large, 267, 268, 269, 272; stray horses taken up to be advertised, 472, 473, 476.
 Horte, Augustine, paid 180 pounds of tobacco, 180.
 Hoskin, James, paid for taking up two runaways, 182.
 Howard, William, added to the commission of Gloucester County, 9.
 Hubbard, Robert, burgess, xiv, 379; oath of a burgess administered to, 380.
 Hudson, Mrs. ———, petitioner, 5.
 Hudson, Matthew, paid for taking up runaways, 181.
 Hunt, ———, horse-way over Powhatan Swamp to be under care of, 8.
 Hunt, Thomas, judgment confessed by, 39, 44; mentioned, 50; rent for house used by the Assembly, 8; signer of grievance from Northampton County, 101.
 Hutchison, Robert, paid 841 pounds of tobacco, 82.

I

- Immers, John, fined for signing a petition injurious to the justices of Surry County, 114.
 Indemnity, act of free and general pardon, indemnity and oblivion, xxii, xxiii, 120, 126, 133, 148.
 Indentures, proposition concerning servants' indentures, 150.
 Indian corn, price of, to soldiers, 71.
 Indians, bill concerning, 349, 353, 354, 359, 430, 474, 475, 476; commission appointed to investigate claims to land of, and to confirm titles of rightful purchase, 16; committee appointed to consider affairs of, 233, 234; cost of war against, to be borne by the counties, 69; courts of judicature to guard against encroachments upon lands of, 64; goods of hostile Indians taken by soldiers to remain in possession of the soldiers, 69; hogs of, to be marked, 426, 433, 434, 436, 442; lands in Accomack County to be surveyed and secured to them, 8; northern Indians prohibited from trading in Virginia, 15; propositions concerning, 37, 426, 428.
 Ingram, John, paid for taking up runaway, 180.
 Itham, Henry, paid out of the 2s. per hhd. account, 502.
 Isle of Kent, mentioned, 98, 99.
 Isle of Wight County, burgesses, vii, viii, x, xi, xii, xiii, xiv, xv, xvi, 32, 187, 189, 289, 334, 379, 412; confinement of shot for, 73; grievances from, 36,

88, 101, 198, 298, 340, 390, 421, 452; order of Assembly permitting commissioners to hold two courts reversed, 6; petitions from, 358, 421; propositions from, 38, 340, 421, 429, 430, 452; public charge for taking up runaways, 175; to furnish beef or pork for soldiers, 72; tithables in, 177; town established in, 135, 172, 177.

J

Jackon, ———, alderman, 6.
 James, Walter, paid for services to country, 253.
 James City, boundaries of, 251; burgeses, xi, xii, xiii, xv, 32, 187, 334, 379, 412; disposition of public houses referred to the governor and Council, 30; inhabitants of, permitted to build out-houses of timber, 58; inhabitants of, permitted to repair wooden houses, 56; mentioned, 3, 7, 8, 11, 14, 20, 21, 150; selected as site for a town, 135; sheriff of, 191.
 James City County, beef or pork for soldiers to be furnished by, 72; bill for ascertaining bounds of, 169; burgeses, vii, viii, ix, x, xi, xii, xiii, xiv, xv, xvi, 32, 187, 189, 288, 334, 338, 340, 345, 350, 356, 363, 379, 380, 382, 412, 450, 451, 460; configuration of spot for, 73; expenditures, 175, 255, 258; fort to be erected in, 47; grievances from, 107, 297, 339, 340, 385, 452; James City selected as site for a town, 135; mentioned, 8, 240; petitions from, 53, 438; propositions from, 297, 340, 385, 452; records of, to be delivered to the clerk of county, 327; return of writ for election of burgeses for, 297; sheriff of, 133, 413, 489; sheriff of, authorized to impress horses for use of certain soldiers, 77; tithables in, 176; writ for election of burgeses for, 157.
 James City Parish, petition of church wardens and vestrymen of, 344; petition of William White on behalf of, 128, 151; to be enlarged, 350.
 James River, governor's reasons for not running line on south side of, 393; pilot appointed for, 11.
 James River garrison, Wm. Byrd undertaker for, 171; Wm. Cole paid for horse lost at, 171.
 Jamestown. See James City.
 Janifer, Daniel, paid £24, 2s., 86.
 Jarvis, Thomas, burges, x, 158, 163, 164.
 Jeffreys, ———, £88 paid to J. Page for, 86.
 Jeffreys, Herbert, authorized to distribute arms and ammunition to counties in cases of necessity, 73; member of committee for affairs of Virginia, 93, 95; mentioned, xxi, 238; to deliver to Burgeses carbines, belts, fivells and powder, 77.
 Jeffreys (Jeffries, Jeffryes), Jeffry, letter from, 384; letter to, 373, 407, 408; mentioned, 399, 404; petition of Jno. Page on behalf of, 503; to present address, etc., to the king, 372, 374, 375.
 Jeffreys, John, mentioned, 134.
 Jenifer, Daniel, burges, xi, xii, xvi, liv, 187, 188, 189, 195, 196, 201, 234, 249, 250, 261, 262, 263, 272, 273, 274, 280, 282, 283, 451, 473; leave of absence granted to, 478; oath of a burges administered to, 190; paid for laying out towns, 170, 183; paid 6,025 pounds of tobacco, 82; petitioner, 342; sheriff of Accomack, 342.
 Jenkins, Henry, burges, xii, 265, 269, 280; complaint of, against T. Barber, 191, 193, 198.
 Jenkins, Lyonell [Lionel], secretary of State (England), 163.
 Jennings, ———, report of committee on accounts of, 50.
 Jennings, Edmund, attorney general, liii, 300, 303; claimant, 281; member of Council, 449; mentioned, 353.
 Jennings, John, commander of the "Experiment," 355, 356, 365, 367; complaint against, 361.
 Jennings, Peter, burges, vii, viii, 21, 25, 32, 38, 43, 49; mentioned, 14; to prosecute persons illegally taking away goods or furniture from the frigate, 52.
 Jernegan, Thomas, paid for delivering letters, 173, 178.
 Jerfy, John, signer of grievance from James City County, 108.
 Johnson, George, paid 580 pounds of tobacco, 82.
 Johnson, Jacob, burges, xv, 412; oath of a burges administered to, 413; paid for taking up runaways, 178.
 Johnson, John, citizenship conferred upon, 3.
 Johnson, William, to appear at the quarter court, 16.
 Jones, Cadwallader, commander of Rappahannock garrison, 181, 183; mentioned, 141; paid in tobacco, 170, 182, 183, 254; petitioner, 127.

Jones, George, paid for horses, etc., impressed, 257.
 Jones, Matthew, paid 200 pounds of tobacco, 179.
 Jones, Nathaniel, added to the commission of Westmoreland County, 9.
 Jones, Richard, pensioned, 70, 84.
 Jones, Roger, mentioned, 240.
 Jones, Rowland, thanked by House for sermon, 188, 189, 264.
 Jones, Thomas, paid for use of boat, 254; paid 200 pounds of tobacco, 179.
 Jones, William, burges, xv, 432, 444; oath of a burges administered to, 442; petition from Northumberland County on behalf of, 415.
 Jordan, ———, attorney for Elizabeth Streeter, 34.
 Jordan, Edward, paid for taking up runaways, 176.
 Jordan, George, burges, viii; paid in tobacco, 83, 85; paid out of the 2s. per hhd. account, 501; paid £36, 86.
 Jordan, Richard, signer of grievance from Isle of Wight County, 104.
 Judgments, bill allowing acknowledgment of before two justices, 462, 463, 467, 485; bill declaring how long they shall be pleadable, 468, 469, 470, 472.
 Julian, John, surgeon, 173, 182.
 Jump, William, punished for disobedience and rebellion, 19.
 Juries, trials to be by, 462, 463, 467, 485, 491.
 Justices of the peace, not to be attorneys in courts where they officiate, 463, 464, 467.

K

Kearne, Barna. burges, xi, 187, 189, 192, 194.
 Kearne, ———, burges, 208, 225, 236, 244, 250; oath of a burges administered to, 190.
 Keeling, Adam, paid for taking up runaways, 178.
 Keifield, George, paid for horse, 253.
 Kellum, Richard, paid 741 pounds of tobacco, 82.
 Kembrow, John, petitioner, 87.
 Kemp, Matthew, burges, x, xii, xv, xvi, xxi, 119, 121, 129, 134, 136, 138, 139, 141, 263, 268, 271, 275, 279, 412, 451, 452, 473, 474, 476, 477, 487; oath of a burges administered to, 120, 413.
 Kendall, William, burges, viii, xi, xiii, xv, 21, 25, 32, 36, 39, 46, 49, 140, 187, 188, 190, 191, 192, 195, 196, 197, 200, 201, 204, 208, 212, 220, 227, 234, 235, 236, 237, 249, 288, 298, 303, 313, 414, 428; claim of, 226, 244; collector of the 2s. per hhd. in Accomac, 9; note sent to West and Foster, and answer thereto, 214; oath of a burges administered to, 290, 414; paid for services as agent to New York, 126, 135, 151; petitioner, 124, 125, 458; reimbursed money used in service of country, 254; speaker, xii, xlix; mentioned, 1.
 Kennon, Richard, burges, xii; oath of a burges administered to, 335.
 Kennor, Richard, burges, xiii, xiv, 288, 298, 321, 325, 334, 341; oath of a burges administered to, 290.
 Kennor, Rodham, petitioner, 433; sheriff of Northumberland County, 417, 423, 432, 433.
 Kent, John, signer of grievance from James City County, 108.
 Kerney, Barnaby, petitioner, 87.
 Key, Robert, case of, given as reason for passing bill concerning escheators' and sheriffs' fees, 240.
 Kimborough, John, pensioned, 175, 256; petitioner, 151.
 King, address to, from Burgeses, 219, 228, 237; address from General Assembly, 29, 58, 95, 145, 146, 147, 370, 407, 493, 495; Burgeses' address to be presented by Mr. Blathwait, 251; governor refuses to present Burgeses' address to, 248; petition from Burgeses, 328; petition from General Assembly, 133, 371.
 King, John, paid 2,000 pounds of tobacco, 81; petitioner, 124, 129.
 King, Joseph, burges, 333.
 King and Queen County, burgeses, xiv, xv, xvi, 380, 414; formation of, xiv, lxiii; grievance from, 386, 453; petitions from, 386, 397; propositions from, 386, 425, 431, 453, 456; sheriff of, 416; writ for election of burgeses for, 416, 432.
 Kirke, Randolph, widow of, paid for his services, 173, 182.
 Knight, ———, paid 1,200 pounds of tobacco, 85.
 Knight, George, proposition from, 200.
 Knight, John, deputy secretary, 295; petitioner, 36.
 Knight, Peter, burges, vii, xi, xii, 194, 195, 206, 212, 240, 249; certificate signed by, 39.

- Knowles (Knolls), John, judgment confessed by, 39, 44; mentioned, 136.
- Knowles, Sands, paid 2,206 pounds of tobacco, 84.
- Koydes, Edward, member of conference held in reference to improving the staple of tobacco, 23.
- L
- Lambert, Thomas, member of Lower Norfolk County commission, 17.
- Lamby, Richard, signer of Northampton County grievance, 101.
- Lancaster County, boundaries of, 48; burgeses, vii, viii, ix, x, xi, xii, xiii, xiv, xv, xvi, 32, 110, 189, 250, 288, 334, 394, 412; commissioners of, directed to collect unpaid tobacco due Sir Wm. Berkeley, 5; confiscation of shot for, 73; election returns not made according to law, 381, 393, 394; expenditures, 85, 175, 181, 258; grievances from, 89, 198; not required to purchase loom, 34; petition from, 110; proposition from, 36, 147; return of writ for electing burgeses for, 190, 452; tithables in, 181; to help bear expense of bridging swamp on Rappahannock River, 17; town established in, 181; writ for electing burgeses for, 121.
- Lancaster Parish, Payankatank and Lancaster Parishes reunited and called Christ Church Parish, 35.
- Lands, allowance for leasing by mistake on lands of others, 465, 468, 469, 471; bill declaring five years possession to be a good bar against all pretenders, 466, 469, 470, 471; bill for alteration of the time of processioning of, 360, 361, 362, 363, 365; bill for confirmation of, 399, 400, 401, 404, 405; certain land to be reserved for use of soldiers, 72; proposition concerning, 457; shooting and ranging upon other men's, prohibited, 465, 469, 470, 471.
- Lane, John, election contested, 416, 417; paid 400 pounds of tobacco, 81.
- Langhorne, John, burgeses, x, 121, 122, 136, 137, 140; oath of office administered to, 120; paid in tobacco, 171, 177, 179; undertaker for Mattapony garrison, 171.
- Langley, ———, paid for taking up runaway, 178.
- Langston, John, burgeses, x; disqualified from holding office, xxii, xxxii, 121; petitioner, 123.
- Lanhorn, John, and Francis Rice, paid 8,883 pounds of tobacco, 84.
- Lanfdale, Peter, minister, 5.
- Laremore (Laremer, Laremore), Thomas, ordered to deliver to H. Trowell goods seized, 70; paid for provisions, 79, 86.
- Lawrence, Richard, Margaret Thomas to be paid out of estate of, 75; not to have benefit of act of free and general pardon, xxii.
- Lawrence, Robert, petitioner, 4.
- Laws, committee appointed to examine, 11, 30, 322, 428, 433; false and imperfect collections of, published by Jno. Purvis, 201, 202, 203; 42d and 43d acts of printed laws repealed, 219, 221, 223, 227; messages in reference to repealing, by proclamation, 270, 277, 308, 309, 315, 326; messages in reference to reviving, 206, 210, 212, 213, 216, 267, 272, 302, 431; messages in reference to reviving, by proclamation, 270, 280, 304; report of committee for revival of, 460, 462, 463, 464, 465, 468, 472, 473; report of committee on collection of, 201.
- Lawson, Anthony, burgeses, x, xiii, xiv, 121, 122, 137, 142, 163, 288, 296, 298, 299, 301, 307, 310, 319, 324, 333, 334, 337, 345, 356, 357, 360, 362, 364, 365, 366; oath of a burgeses administered to, 120, 290, 335.
- Laxe, William, signer of petition from Lancaster County, 111.
- Lear, ———, burgeses, 38, 39, 48, 49, 262, 272, 291, 314, 325, 414, 421, 432, 433; paid for provisions, 81, 173, 178; 2,215 pounds of tobacco paid to, assigned Mr. Hartwell, 177.
- Lear, John, burgeses, viii, 32, 36, 39, 47; complaint of inhabitants of Nanfemond County against, 71; grantee for royal charter for college, 361; member of Council, 262, 263, 290, 291, 293, 299, 335, 337, 339, 363; Streeter's suit against, dismissed, 34, 38.
- Lear, Thomas, burgeses, xii, xiii, xv, 263, 265, 269, 279, 288, 289, 298, 412; oath of a burgeses administered to, 290, 413.
- Leare, David, complaint of inhabitants of Nanfemond County against, 71.
- Lee, ———, claimant, 199; doctor, 174, 177, 256, 257.
- Lee, George, paid in tobacco, 81, 175, 256; petitioner, 142, 143, 152.
- Lee, Hancock, burgeses, viii, xiii, 288, 296, 299, 301, 310, 356, 451, 452, 467, 473, 484, 487, 493; oath of office administered to, 290.
- Lee, James, paid for public services, 255.
- Lee, Richard, burgeses, ix.
- Lee, Richard, member of Council, xxxii, 23, 142, 144, 167, 262, 290, 291, 292, 293.
- Lee, William, representative of Northumberland County in prosecution of complaint against R. Kennor, 430, 432.
- Leigh, William, burgeses, xiv, xv, xvi, 334, 335, 337, 347, 362, 365, 375, 379, 380, 384, 385, 387, 396, 399, 402, 404, 405, 411, 414, 418, 419, 425, 428, 431, 433, 435, 441, 443, 444, 446, 450, 451, 455, 475, 477, 486, 487, 490, 492, 493, 494; oath of office administered to, 335, 380, 414.
- Levy, ———, bill for lessening by poll, xlv, li, 221, 225, 232, 235, 351, 355, 357, 369, 370; certain indigent persons exempted from payment of, 60; committee for proportioning, 139, 250, 405; propositions concerning, 24, 374, 423. *See also* Public Levy.
- Lewis, Mrs. ———, paid 300 pounds of tobacco, 180.
- Lewis, William, burgeses, xiv, lxvi, 334, 335, 336, 339, 340, 347, 352, 357, 365, 374, 380, 393, 394, 396; oath of a burgeses administered to, 335.
- Liddall, George, paid 2,324 pounds of tobacco, 85; petitioner, 36, 42; to sell arms in his possession belonging to the public, 151.
- Liggon, ———, paid for his services in the West, 55.
- Lightfoot, Philip, sheriff of Gloucester County, 289.
- Limney, Richard, fined for erecting a weir, 49.
- Linen cloth, bill to repeal act for encouragement of manufacture of, 211, 212, 213, 218, 221, 222, 224, 226, 227; manufacture of, encouraged, 454, 458, 461, 462, 483, 484, 486; report of committee concerning manufacture of, 204, 205.
- Linge, John, claimant, 7.
- Linhaven (Lynnhaven), grievance from, 199.
- Linton, John, paid 600 pounds of tobacco, 179.
- Liny, Robert, complaint of, 117.
- Liquors, act continuing imposition on, li, 276, 280, 282; act for laying an imposition upon, xlv, 221, 225, 234, 235, 351, 355, 357, 370; act regulating ordinaries and the prices of, 424; auditor's report on tax on, 266, 269; proposition to repeal act concerning, 423.
- Littlepage, Richard, burgeses, xii, 262, 263, 272, 278; claimant, 199; paid for steer, 256; paid 1,405 pounds of tobacco, 81; petitioner, 204, 224, 225; to sell land for payment of Saml. Oufin's debts, xlv, 213, 225, 227, 232, 235.
- Littleton, Southey, burgeses, ix, 77; heirs of, to receive payment for his services in New York, 126, 135, 151; paid £61, gs., 3d., 86; paid 2,194 pounds of tobacco, 82; refunded money expended on Eastern Shore, 76.
- Liturgy, bill providing for reading of, 460, 461, 478.
- Lloyd, James, paid for services, 171, 179.
- Lloyd, William, burgeses, x, xii, 121, 127, 128, 129, 130, 131, 132, 135, 136, 139, 142, 160, 163; oath of office administered to, 120.
- London, letter to Lord Bishop of, 406, 407; petition of merchants in, 453.
- Long, Daniel, paid 350 pounds of tobacco, 81.
- Long, Joseph, paid in tobacco, 174.
- Long, Josias, paid 712 pounds of tobacco, 182.
- Looms, counties to purchase, 34.
- Lord, John, added to the commission of Westmoreland County, 9; fined and suspended from office, 14.
- Lower Norfolk County, account of tobacco in custody of court of, 176; act concerning exemption of, from giving lifts of tobacco, 39; bill for dividing, lxiii, 353, 355, 356, 357, 358, 360, 361, 362, 424; burgeses, vii, viii, ix, x, xi, xii, xiii, xiv, 32, 288, 334; commissioners of, ordered to pay Scarbrough amount of judgment with interest and all costs of suit, 17; confiscation of shot for, 73; Edward Bowman dismissed from commission of, 10; expenditures, 175, 178, 258; grievances from, 199, 235, 342; John Hill, high sheriff of, 21; paid 30,432 pounds of tobacco, 83; petition and remonstrance of inhabitants of, 109; propositions

from, 36, 41, 342; remonstrance and petition of inhabitants of, 109; return of writ for election of burgesses for, 193, 334; Sheriff of, 153, 334; tithables in, 178; tobacco levied to pay for establishing town in, 170; tobacco levied to pay troopers, 170; town established in, 178.

Lucas, Thomas, burgess, viii, 21, 25, 32, 37, 47; right of, to land confirmed, 41.

Ludlow, George, paid for taking up six runaways, 181.

Ludlow, Mary, executrix of Thomas Ludlow, 16.

Ludlow, Thomas, mentioned, 16.

Ludwell, Philip, account of the 2s. per hhd. duty collected by, 501, 502; burgess, xiii, lviii, 142, 288; Burgess' petition to the king presented by, 329, 351; deputy secretary, 96, 97; member of Council, xxxi, xxxii, 199, 249; paid in tobacco, 81, 83, 84, 282; petition of Lady Berkeley in behalf of, 344; petitioner, 152; relinquishes lease of building belonging to country, 245; rewarded for services in connection with the address of the House to the king, lxiii, 351, 362, 363; salary of, 500, 501; succeeded by D. Parke, 297.

Ludwell, Thomas, mentioned, 116, 118; paid in tobacco, 84; proposition from, 24; secretary, 13, 20, 23, 33, 39, 40, 59, 60, 62, 70, 79, 109, 112, 499.

Lumpkin, Jacob, paid in tobacco, 83, 84.

Lyddall, George, claim of, 244, 275; paid in tobacco, 171, 178, 180, 258; petitioner, 205, 209, 210, 211.

Lyddall, John, burgess, xiv, xv, 380, 386, 412, 417, 419, 444, 445; oath of a burgess administered to, 380, 413.

Lynnhaven Parish, proposition from inhabitants of, 455; report of committee on complaint of, 457; report of committee on grievance from, 235.

M

McKenny, Alexander, paid for taking up two runaways, 180.

Macon, ———, petitioner, 217.

Macon, Ann, rent for house used by the Assembly, 226, 256, 257.

Macon, Gideon, burgess, xvi, 450, 451.

Macon, Nathaniel, paid for taking up runaway, 183.

Macon, William, claimant, 76; messenger's board to be paid to estate of, 256.

Magazine, arms and ammunition to remain in, in Middle Plantation, 73; to be built, 71.

Magister, George, paid 3,600 pounds of tobacco, 83.

Mahane, Samuel, summoned to appear before House, 417.

Major, George, paid for taking up runaway, 180.

Major, Robert, paid for taking up runaway, 180.

Mallecott, John, paid for public services, 171, 179.

Mallen, Edward, claimant, 226.

Mallory, ———, paid in tobacco, 173, 180.

Mallory, Philip, minister, 5, 11; title to lands purchased from Chickahominy Indians confirmed, 13.

Malute, alias Michael Wood, petitioner, 129.

Mannington, Walter, paid for taking up runaway, 183.

Manufactures, act for repealing the act for encouragement of the manufacture of linen and woolen cloth, 211, 212, 213, 218, 221, 222, 224, 226, 227; act for reviving a former act for advancement of, lxxi, 279, 349, 353, 354, 358, 457; bill for advancement of, of the growth of this country, 270, 271, 272, 346; bill for the encouragement of the manufacture of linen cloth, 458, 461, 462, 483, 484, 486.

Maples, George, signer of petition from Lancaster County, 111.

Marr, Henry, paid for quartering seven men, 257.

Marrable, George, paid 7,000 pounds of tobacco, 83.

Marriages, ceremony to be performed by minister only, 460, 461, 478, 479; commissioners to be appointed to confer with the governor of Maryland about prevention of clandestine marriages, 60; how licenses for, shall be issued, 460, 461, 478, 479; to be authorized by license or publishing the banns, 460, 461, 478, 479.

Marshall, John, signer of grievance from Isle of Wight County, 104.

Marshall, Thomas, signer of Lancaster County petition, 111.

Marshall, William, burgess, xiv, 379; oath of office administered to, 380.

Marlton Parish, boundaries of, 19.

Martin Brandon Parish, boundaries of, 19.

Martin (Martyn), John, arms on board his ship belonging to the country to be delivered to Lawrence Smith, 78; citizenship conferred upon, 41; paid £28, 11s., 86.

Martin, William, naturalization of, 42.

Martyn, Thomas, signer of petition from Lancaster County, 111.

Maryland, appointment of a commissioner to, referred to the governor, 35; bill declaring debts of, recoverable, 270, 271, 272, 279; borrows powder from Virginia, lxiv, 394; commissioners to, given a gratuity, 45; committee to confer with governor about a treaty with, concerning planting of tobacco, 38; expenses of commissioners to, to be paid out of public levy, 43; governor of, 22; letter from chancellor of, 36, 37; letter from the General Assembly to Sir Jos. Williamson concerning, 98; letter from Wm. Berkeley to governor of, 35; trade with vessels from, prohibited unless duly registered, 474, 475, 476.

Maryland Indians, grievance from Stafford County concerning, 390, 430, 433, 436, 437, 438.

Mason, ———, burgess, 124, 278, 298, 301, 310, 335, 347, 353, 375, 383, 405, 424.

Mason, Francis, burgess, ix, xiv, 334, 353, 379, 404; oath of a burgess administered to, 335; paid in tobacco, 170, 177.

Mason, George, account of tobacco in custody of, 176; burgess, ix, x, xi, xiii, xiv, xvi, 122, 132, 135, 137, 139, 142, 187, 189, 192, 195, 201, 220, 265, 288, 234, 334, 462; fined and suspended from office, 14; oath of office administered to, 120, 290, 335.

Mason, Lemuel, burgess, vii, viii, x, xi, xii, xv, xvi, 25, 122, 157, 165, 188, 193, 195, 200, 201, 222, 235, 236, 240, 262, 263, 265, 266, 269, 412; leave of absence granted to, 469; oath of office administered to, 120, 413.

Mason, Thomas, paid for taking up runaway, 178.

Massey, Peter, paid for serving on jury, 180.

Mathews, ———, burgess, 163, 192, 193, 207, 222, 247; title of land purchased from Wicocomoco Indians to be confirmed to his heirs, 8.

Mathews, John, burgess, x, xi, 157, 168, 187, 189, 198; oath of a burgess administered to, 190; paid for public services, 171.

Mathews (Mathewes), Samuel, mentioned, 3, 4; paid 1,000 pounds of tobacco, 84.

Mathews, Thomas, burgess, ix.

Mattaponi garrison, expenses of, paid in tobacco, 171, 172, 179.

Mattaponi Indians, complaint of king of, against Colonel Goodridge, 16.

Mattaponi River, mentioned, 11.

Matthews, ———, salary as sheriff, 179.

Matthews, Thomas, paid for delivering letters and entertaining the secretary of Maryland, 174; paid for taking up runaways, 182.

Matts, James, paid 950 pounds of tobacco, 82.

Matuxon Fort, information concerning, 78.

Maynor, John, paid for taking up runaway, 177.

Meachum, Joshua, paid for taking up runaway, 176.

Meador, John, paid for services to country, 253.

Mees, Henry, burgess, 32, 36, 38, 39, 48, 49; purchase of land from Wahanganoche confirmed, 16.

Meredies, William, carpenter, 180.

Meredith, Robert, paid for taking up runaway, 181.

Meredith, William, paid for work at Mattaponi garrison, 173.

Meriman, John, signer of grievance from James City County, 108.

Merriman, Charles, signer of petition from Lancaster County, 111.

Merriman, Richard, signer of petition from Lancaster County, 111.

Merriman, William, signer of petition from Lancaster County, 111.

Merriott, William, paid for public services, 171.

Merriott, William, jr., paid sixty-four pounds of tobacco, 179.

Merry, Thomas, paid for services, 179, 254.

Metcalf, John, summoned to testify against Thos. Barber, 193.

Michael, ———, paid 4,220 pounds of tobacco, 83.

Michael, John, signer of Northampton County grievance, 101.

Middle Plantation, arms and ammunition to remain in magazine at, 73; College of William and Mary to be established at, 466.

Middle Plantation Parish, boundaries of, 19.

Middlesex County, burgeses, ix, x, xi, xii, xiii, xiv, xv, xvi, xlix, 189, 250, 288, 335, 381, 412; confinement of shot for, 73; expenditures, 175, 181, 255, 258; fined for not electing two burgeses, 55; formation of, viii; grievances from, 109, 339, 385; propositions from, 125, 385; tithables in, 181; town established in, 171, 181; writs for election of burgeses for, 381.

Mihill, Edward, burges, x, 122, 158, 164; oath of office administered to, 120.

Milboy, John, petitioner, 17.

Militia, fine for not attending muster, 33; to defend Colony in case of sudden invasion or incursion of enemy without pay, 205.

Milk, price of, to soldiers, 71.

Miller, Edward, signer of grievance from Isle of Wight County, 104.

Millers, bill concerning, 472, 473, 476; to be fined for refusing to grind corn, 33; duty of, where more than one mill is built on a stream, 430.

Mills, Henry, burges, x, 121, 126, 136, 142, 158, 159, 160; oath of office administered to, 120.

Mills, Robert, paid for services to country, 253.

Millner, Ed., paid 6,375 pounds of tobacco, 81.

Millner, Thomas, burges, xiii, xiv, xv, xvi, 287, 288, 291, 295, 297, 301, 305, 307, 308, 311, 316, 319, 321, 324, 327, 334, 353, 381, 412, 474; clerk of House, xli, 183, 188; grantee for royal charter for college, 361; oath of a burges administered to, 290, 335, 413; paid in tobacco, 81, 177, 178, 179, 258; proposition from, 389; speaker, lxi, lxix, lxxi, 333, 336, 338, 340, 342, 351, 357, 358, 362, 363, 364, 373, 375, 379, 383, 384, 385, 386, 387, 395, 400, 402, 411, 417, 419, 421, 426, 427, 428, 433, 435, 438, 440, 442, 443, 444, 445, 446, 449, 450, 453, 456, 459, 477, 479, 480, 482, 485, 486, 488, 494, 495.

Minge, James, burges, x, xi, 122, 127, 129, 132, 136, 137, 139, 143, 157, 160, 164, 187, 188, 189, 191, 192, 193, 194, 196, 218, 219, 231, 234, 247, 249; magistrate of James City County, 166; oath of a burges administered to, 120, 190; paid for laying out town, 172, 176; paid 20,000 pounds of tobacco, 83.

Ministers, bill appointing registers to be kept by, 460, 461, 478, 479; bill requiring, to preach weekly, 460, 461, 478; bill for ascertaining salary of, 460, 477, 478; bill showing how they must be qualified, 460, 461, 478.

Minton, Scarborough, signer of grievance from James City County, 108.

Miskell, Teige, punished for disobedience and rebellion, 19.

Molfworth, Guy, allowance to, 7.

Money, transportation of English, prohibited, 141.

Monmouth, Duke of, mentioned, 505.

Monroe, Andrew, added to the commission of Westmoreland County, 9.

Moody, Henry, ambassador to the Manados, 7.

Moore, Augustine, claimant, 150, 199.

Moore, James, paid for taking up runaway, 180.

Moore, Jane, appropriation toward support of, 69, 84.

Moore, Richard, paid for public services, 172, 179.

Moore, Thomas, Haviland ordered to repay, 80.

Moore, William, mentioned, 69.

Moors, bill declaring slaves, 472, 473, 476.

Morgan, ———, paid £2, 500.

Morgan, Jude, paid 200 pounds of tobacco, 179.

Morland, Charles, petitioner, 390.

Morley, William, burges, vii.

Morris, ———, reimbursed for provisions, 173, 180.

Morris, Mrs. Ann, paid for bridle and saddle, 224.

Morris, George, burges, x, 120, 129, 158, 159, 165, 166; oath of office administered to, 125; surveyor, 13, 18.

Morris, Lyonell, paid 200 pounds of tobacco, 180.

Morris, Richard, doorkeeper, 450; petitioner, 414.

Morris, Thomas, doorkeeper, 257; paid for services as doorkeeper, 175, 177; paid for taking up runaway, 178.

Morrison, Charles, allowed ten pounds sterling, 138, 150; mentioned, 102, 152; paid 1,200 lbs. of tobacco, 83.

Morrison (Moryson), Francis, agent for Virginia in England, 43, 62, 75, 93, 95, 499; ammunition purchased from, to be distributed among the counties, 20; governor, 14; mentioned, 112, 149, 238; quarter court amercements to be paid to, 8; title to land

purchased by, confirmed, 18; to examine the laws, 11; treasurer of college fund, 13.

Moseley, Arthur, burges, ix.

Moseley, Edward, paid for services to country, 253.

Motly, Thomas, paid for taking up runaway, 180.

Motro, Thomas, paid for taking up runaway, 180.

Mott, William, paid for public services, 171, 179, 254.

Mountfort, Thomas, complaint of, against T. Barber, 191, 193, 198.

Mulattoes, bill declaring slaves, 472, 473, 476; bill declaring when negroes and mulattoes are tithable, 464, 468, 469, 471.

Mulberry trees, fine imposed for not planting, according to law, 20; petition of Major Walker concerning, 38; planting of, encouraged, 49; proposition in reference to law concerning, 23.

Mullis, John, signer of petition from Lancaster County, 111.

Mumford, Edmund, paid 750 pounds of tobacco, 84.

Munday, Thomas, paid for services to country, 253.

Muschamp, Xpher, paid 400 pounds of tobacco, 179.

Mully, Peter, paid for serving on jury, 172.

Musters, no arrests to be made at, 463, 464, 467; to be held once a year, 65.

N

Nansemond County, burgeses, viii, xi, xii, xiii, xiv, xv, xvi, 32, 187, 189, 288, 334, 381, 412; complaint of inhabitants of, against John and David Leare, 70, 71; confinement of shot for, 73; expenditures, 141, 175, 178, 258; fort to be erected in, 47; grievances from, 88, 198, 339, 420; inhabitants of, fined for not attending church, 27; petition from, 358; propositions from, 339, 420; Thomas Davis dismissed from the commission of, 9; Thomas Taylor added to the commission of, 9; tithables in, 178; town established in, 173, 178; writ for election of burgeses for, 261, 381.

Nash, William, paid for taking up runaway, 181.

Naturalization, act for, xxiii, 120, 123, 125, 126, 472, 473, 476.

Neale, Christopher, burges, xii.

Neale, George, signer of petition from Lancaster County, 111.

Neale, Thomas, patents to, for settling a post in America recorded, 445; Peter Heyman agent for, 489.

Neech, Daniel, clerk of Northampton County, 459; petitioner, 459.

Neede, Daniel, proposition from, 340.

Needler, ———, paid 1,600 pounds of tobacco, 83.

Negroes, bill about prosecution of negro criminals, 396, 397, 399; bill concerning negroes and other slaves, 306, 308, 311, 314; bill declaring negroes slaves, 472, 473, 476; bill declaring when negroes are tithable, 464, 468, 469, 471; bill restraining negroes going armed, 266, 268, 269, 271; bill to prevent insurrections of, 299, 305, 306, 472, 473, 476; proposition concerning, 429; *see* also slaves.

New, Richard, signer of grievance from James City County, 108.

New Kent County, bill for dividing, 346, 349, 353, 354, 358; burgeses, vii, viii, x, xi, xii, xiii, xiv, xv, xvi, 32, 189, 212, 288, 334, 380, 412; claims from, 214, 225; confinement of shot for, 73; expenditures, 175, 180, 244, 256, 258; grievances from, 341, 385, 386, 420; King and Queen formed from, lxiii; meat for soldiers to be furnished by, 72; mentioned, 204, 205; petition from, 131; propositions from, 205, 264, 265, 296, 341, 385, 386, 420, 427, 454; sheriff of, authorized to impress horses for use of certain soldiers, 77; sheriff of, fined for undue proceeding in the election of burgeses for, 11; tithables in, 180; town established in, 173, 180; writ for electing burgeses for, 121.

New York, Burgeses object to having representative in, 393; Burgeses refuse to assist, lxxii, 295, 298, 302, 482, 483, 490; letter from governor of, 293, 294, 479; Virginia asked to assist, 292.

Newby, Christopher, paid 500 pounds of tobacco, 84.

Newel, Jonathan, paid for nails, 43.

Newport, suggested as place for port, 429.

Newton, George, paid 3,000 pounds of tobacco, 83; sheriff of Lower Norfolk County, 334.

Newton, John, given permission to transport possessions from Maryland to Virginia, 69.

Niccolls, William, bill for making soldiers' clothes rejected, 76.
 Nicomacoe Indians, grievance from Lancaster County concerning, 89.
 Nicholson, Francis, Burgefes desire to make gift to, lxi, 372, 373, 384, 388, 404, 407; Council asked to join House in making gift to, 369; message from Burgefes, 336, 339, 304, 387, 414; message to Burgefes, 336, 338, 342, 373, 395, 402.
 Nichols, William, paid 4,400 pounds of tobacco, 83.
 Noel, Cornelius, naturalization of, 42.
 Non est inventus, when returns of, shall be allowed, 463, 464, 467.
 Norfolk County, burgefes, xiv, xv, xvi, 387, 412; claim of, rejected, 390; formation of, lxiii; grievances from, 390, 421, 453; propositions from, 390, 421, 453, 455; sheriff of, 387; writs for election of burgefes for, 381.
 Norrington, William, commander of the Barnadistance, 384, 401.
 North, ———, chief justice, 204.
 North, Augustine, petitioner, 342.
 North, D., member of customs commission, 266.
 Northampton County, boundary between, and Accomack County, 77; burgefes, vii, viii, ix, x, xi, xii, xiii, xiv, xv, xvi, xli, 32, 187, 234, 288, 334, 381, 414; complaint of against Jno. Cufitis, 314; confiscation of shot for, 73; duty on tobacco shipped from, 56; expenditures, 175, 183, 254; grievances from, 99, 265, 296, 301, 385, 340, 420, 452; John Milboi to apologize to the gentlemen of the court of, 17; mentioned, liv; return of writ for electing burgefes for, 190, 203; petition from, 33; propositions from, 36, 40, 124, 201, 202, 340, 385, 420, 428; sheriff of, 193; tithables in, 183; town established in, 170, 183; writ for electing burgefes for, 164, 381.
 Northern Neck, division of, to be referred to a committee, 78; expense of suppressing Bacon's rebellion to be proportionally borne by counties in, 78; governor's reply in reference to grievance from, 203; grant to Earl of St. Albans and Lord Culpeper of land in, 399; king petitioned in reference to land in granted Lord Culpeper, 371.
 Northumberland County, boundaries of, 48; burgefes, vii, viii, ix, x, xi, xii, xiii, xiv, xv, xvi, 122, 194, 288, 334, 381, 415, 417, 432, 442; carbines, belts and fowls for, 77; commissioners of, directed to collect unpaid tobacco due Sir William Berkeley, 5; consideration of election returns postponed, 425, 430, 431; confiscation of shot for, 73; expenditures, 85, 175, 182; grievances from, 199, 297, 339, 385; John Powell's complaint against the Indians referred to commissioners of, 9; petition from, 415; propositions from, 202, 203, 339, 341; tithables in, 182; town established in, 182; Westmoreland and Northumberland combined until otherwise ordered by the governor, 15; writs for election of burgefes for, 194, 381, 394.
 Nottoway Indians, court to determine mark for hogs belonging to, 426; petition from, 343, 345.

O

Oblivion, act of free and general pardon, indemnity and oblivion, xxii, xxiii, 120, 126, 133, 144, 148.
 Occahanok Creek, mentioned, 78.
 Odenili, Thomas, paid for horse, 173, 182.
 Oewin, William, appointed pilot of James River, 11.
 Opie, ———, paid 6s., 500.
 Ordinary keepers, bill regulating, 424, 472, 473, 475; not to credit young freemen and seamen, 308, 310, 318, 319, 341, 342, 343, 345, 346, 348; proposition concerning, 428.
 Orphans, bill for preserving and securing lands of, 471, 468, 469; bill requiring courts to take care of and their estates, 465, 468, 469; proposition concerning, rejected, 454.
 Osborne, Thomas, allowance for horse, 257.
 Osborne, William, paid 200 pounds of tobacco, 82.
 Otey, John, signer of grievance from James City County, 108.
 Outley, Thomas, burgefes, xv, 412, 419, 424, 433, 444, 445; oath of office administered to, 413; proposition from, 420, 429.
 Oustin, Samuel, mentioned, 246; paid 1,300 pounds of tobacco, 83; Richard Littlepage to sell land to pay debts of, 213, 225, 227, 232, 235.

Overton, William, paid for public services, 256.
 Owen, Hugh, claimant, 244; paid for services, 174, 177, 258; petitioner, 142.
 Owen, Nicholas, fort commissioners to meet at home of, 49.

P

Pace, Richard, paid 2,000 pounds of tobacco, 82.
 Pace, Rowland, claim allowed, 138.
 Pace and Cufitis, paid 3,000 pounds of tobacco, 82.
 Pack, ———, burgefes, 37.
 Page, ———, burgefes, 130, 134, 136, 139, 141, 194, 196, 206, 212, 234, 245, 247, 250.
 Page, ———, thanks of House for sermon, 211.
 Page, Francis, burgefes, xi, xii, xiii, 187, 188, 189, 191, 192, 193, 198, 206, 218, 220, 261, 262, 263, 265, 266, 268, 274, 275, 276, 277, 280, 282, 288; clerk of House, lv, 287, 290, 293, 316, 324, 327, 391; paid for public services, 172, 179, 254, 355; succeeded by R. Read, 297.
 Page, John, burgefes, x, 71, 72, 119, 121, 127, 129, 131, 135, 136, 137, 138, 139, 141, 142, 198, 353; goods belonging to Matuxon Fort to be delivered to, 78; grantee for royal charter for college, 361; member of Council, 189, 192, 193, 194, 197, 203, 234, 262, 263, 290; oath of a burgefes administered to, 120; paid £40, 17s., 6d., 86; paid in tobacco, 81, 85, 172, 179, 254; paid out of the 2s. per hoghead account, 502; petitioner, 503; to receive arms and ammunition sent into Colony, 116.
 Paine, Robert, paid for services to country, 253.
 Palmer, Martin, dispute between J. Proffyer and, concerning land patents settled, 18; paid 1,000 pounds of tobacco, 84.
 Pamunkey Indians, petition of queen of, 89, 90, 115.
 Pamunkey Neck, bill for seating certain lands in, 433, 434, 436, 443, 444; message from governor in reference to land in, 477; petition of inhabitants of, 125, 150; proposition from inhabitants of, rejected, 386; proposition from William Leigh concerning land in, 431.
 Pamunkey Neck Parish, boundaries of, 150.
 Pardon, act of free and general pardon, indemnity and oblivion, xxii, xxiii, 120, 123, 125, 126, 133, 144, 148.
 Parfitt, Roger, added to the commission of Westmoreland County, 9.
 Parke, Daniel, burgefes, viii, xiii, xv, xvi, 32, 39, 47, 297, 310, 411, 412, 413, 414, 419, 425, 426, 428, 430, 433, 434, 436, 440, 451, 460, 477, 485, 486, 487, 493; election of, contested, 450, 451; leave of absence granted to, 440, 466; mentioned, xxxi; oath of a burgefes administered to, 299, 413; treasurer, 62, 63, 115, 116.
 Parker, Richard, signer of grievance from James City County, 108.
 Parker, Robert, paid for use of horse, 253.
 Parker, William, signer of petition from Lancaster County, 111.
 Parrish, John, paid for taking up runaways, 176.
 Parrot, Richard, burgefes, xi, 189, 195; fined for absence from the House, 250; oath of a burgefes administered to, 190.
 Parsons, Anne, paid 400 pounds of tobacco, 81.
 Partin, Robert, signer of grievance from James City County, 108.
 Partridge, Elizabeth, order of the court in reference to, 12.
 Partridge, John, taken into custody for contempt of the House, 17.
 Partridge, Roger, order of the court in reference to, 12.
 Pafs, Vincent, paid for services to country, 254.
 Paffes, bill concerning granting of, 472, 473, 476.
 Pate, John, added to the commission of Gloucester County, 9.
 Pate, Thomas, burgefes, xi, 187, 189, 192, 193, 195, 196, 198, 199, 206, 207, 210, 212, 251; oath of a burgefes administered to, 190.
 Patents, bill confirming imperfect, 466, 468, 469, 471; Burgefes complain about fee charged for, 301; unrecorded patents confirmed, 33.
 Patesfield, selected as site for a town, 135.
 Patly, Nicholas, paid for services to country, 253.
 Payankatank Parish, Lancaster and Payankatank Parishes reunited and called Christ Church Parish, 35.
 Payne, John, signer of grievance from James City County, 108.

- Peace, act for better preservation of peace of Virginia, 205, 207, 208.
- Pead, Devel, thanked by House for sermon, 264, 306; to preach sermon on day of humiliation, 297.
- Pehim, John, paid 200 pounds of tobacco, 179.
- Pearce, Samuel, paid for delivering letter to Colonel Bacon, 170, 178.
- Pearce, William, paid for horse, 255.
- Penney, Richard, signer of grievance from Isle of Wight County, 104.
- Penny, Thomas, paid for services, 173, 181.
- Peracuta, king of the Appomattox Indians, 64.
- Perkins, Elizabeth, claim of, rejected, 18.
- Perkins, John, paid 100 pounds of tobacco, 179.
- Permit, bill for ascertaining price of, 435, 436, 438.
- Perrott, Richard, fr., burghs, ix, 202, 206, 207, 212, 219.
- Perry, John, mentioned, 395.
- Perry, Nicholas, pafs granted to, by the governor, confirmed by the House, 8; released from prison, 13.
- Perry, Peter, burghs, xiii, 289, 291, 293, 306, 325; oath of a burghs administered to, 290.
- Perry, Robert, petitioner, 142.
- Peters, Robert, paid 20 pounds of tobacco, 174, 176.
- Peterfon, Christian, paid 600 pounds of tobacco, 82.
- Petit, John, naturalization of, 41.
- Petterfon, Peter, given a premium for building a vessel, 24.
- Pettus, Stephen, petition of, rejected, 18.
- Petus, Maximilian, sub-sheriff of Middlesex County, 173, 181.
- Phillips, Edward, paid for taking up runaways, 176.
- Phillips, Walter, paid for use of horse, 253.
- Phillips, William, paid for provisions, 173, 180.
- Physicians, bill concerning accounts of, 400, 401, 404, 468, 469, 470, 472.
- Pierce, Richard, signer of grievance from James City County, 108.
- Pierce, William, burghs, x, 122, 141; oath of a burghs administered to, 120.
- Pigot, Francis, paid 3,250 pounds of tobacco, 82.
- Pillories, to be erected in each county, 462, 463, 467, 485, 493.
- Pinhorne, George, doorkeeper, 450.
- Pinkard, John, burghs, xiii, 288, 296, 321; oath of a burghs administered to, 290.
- Pitt, Robert, burghs, vii.
- Pitt, Thomas, burghs, x, 131; oath of office administered to, 120.
- Pitte, John, given a premium for building a vessel, 22.
- Place, Rowland, paid for arms impressed for the use of the country, 151.
- Pleasant, John, burghs, xv, 412; disqualified from serving as burghs, 413; petitioner, 342, 420, 431, 433; proposition from, 340, 420.
- Point Comfort, enquiry to be made concerning disturbance of tobacco raised for the purpose of building a fort at, 65; king petitioned to discontinue fort at, 42; petition of inhabitants of Lower Norfolk in reference to fort at, 109; report of committee in reference to building a fort at, 47.
- Polgreen, George, paid in tobacco, 180, 256.
- Poore, Thomas, mentioned, 123.
- Pope, Thomas, paid for horse, 173, 182.
- Pork, price of, to soldiers, 71, 72.
- Porter, John, burghs, viii; dismissed from the House, 21; member of Lower Norfolk county commission, 17.
- Porter, John, jr., complaint against, 367, 368.
- Port Tobacco, mentioned, 41.
- Ports, act appointing, for preventing frauds and better securing his Majesty's customs, xlv, 305, 306; act appointing, wharfs, keys, etc., l, 303; act for, lxxiii, lxxi, 305, 341, 345, 347, 348, 350, 351, 352, 359, 396; act for towns, ports, etc., 271, 272; act suspending execution of the act for, lxxiii, 427, 433, 434, 436, 442, 444; messages concerning, 311, 315; report of committee on bill concerning, 456.
- Post-office, erection of, encouraged, lxxiii, 430, 431, 435, 436, 437, 438, 439, 444, 445; report of committee concerning erection of, 434.
- Postmaster General, memorial signed by, 489.
- Potomac Fort, disturbances for, 85; William Fitzhugh and George Brent undertakers for, 181.
- Potomac Indians, committee appointed to examine the business of the king of, 25; dispute between king of, and G. Brent, referred to a commission, 16; king of, acquitted of charge of high treason and murder, 14; sale of land by Wahaganoche to Henry Mees and Peter Austin confirmed, 16.
- Potomac River, fort to be erected in, at Yohocomaco, 47; mentioned, 3, 78, 265.
- Potter, Cuthbert, claimant, 138, 359; petitioner, 124, 344; reimbursed money paid for guns, etc., 151; sheriff, 173, 181.
- Potter, Roger, paid 5,000 pounds of tobacco, 83.
- Powder, governor reimbursed money paid for, 55; purchased from Colonel Morfion to be distributed among the counties, 20.
- Powell, Agnes, paid for drum and pistol, 170, 183.
- Powell, Grace, petitioner, 49.
- Powell, John, burghs, vii, viii, 32, 43, 47; complaint of, referred to Northumberland County commission, 9.
- Powhatan Swamp, horse-way over, to be under care of Mr. Hunt, 8.
- Prescott, Edward, arrested for slander members of the Assembly, 9; execution of order of, against W. Andrews, postponed, 5; ordered to pay William Kendall duty on sixteen hogheads of tobacco, 9.
- Presley, ———, burghs, 128, 129, 139, 225, 232.
- Presley, Peter, burghs, viii, ix, xi, xiv, 194, 202, 334, 335, 341.
- Presley, William, burghs, viii, ix, x, 21, 32, 36, 38, 120, 122, 131.
- Preston, Joseph, doorkeeper, 175, 177, 257; exempted from payment of levies, 247.
- Price, Ann, case of, referred to court of Elizabeth City County, 17.
- Price, Jenkin, rewarded for service to country, 7.
- Price, John, paid for horse, 173, 182; paid for services to country, 253.
- Pricklo (Pricklove), John, paid for public services, 171, 179.
- Prince, George, paid for taking up runaway, 177.
- Princes Anne County, bill for altering the day for court, 397, 399, 401, 404; bill for ascertaining a day for the holding of courts in, 358; boundaries of, 424; burghs, xiv, xv, xvi, 379, 412; formation of, lxxiii; grievances from, 386, 420; petition of M. Thuriton on behalf of inhabitants of, 389; propositions from, 386, 420, 455; report on complaint from, 457; report on petition from, 457; return of writ for election of burghs for, 453.
- Prisoners, taxed five pounds of tobacco a day, 28.
- Prisons, act for building, repealed, 216, 217, 219, 221, 222, 223, 227; to be built in each county, 462, 463, 467, 485.
- Pritchard, Henry, paid for taking up runaway, 180.
- Pritchard, Peter, paid for taking up runaway, 183.
- Pritchard, Robert, signer of Lancaster County petition, 111.
- Private courts, bill prohibiting, 462, 463, 467, 491.
- Privy Council for Trade and Plantations, letter from, to Effingham, 503.
- Processioning, bill appointing, 466, 468, 469, 472.
- Prolyer, John, dispute between M. Palmer and, concerning land patents settled, 18.
- Provisions, price of, to soldiers, 71; transportation of, provided for, 72.
- Public claims, bill concerning, l, 276, 279, 280, 281, 308, 310, 311, 313, 341, 342, 343, 345, 346, 464, 468, 469, 471.
- Public debts, money appropriated for payment of, 152.
- Public levies, bill appointing, to be first paid, 463, 464, 467; act for raising, xxxi, xxxviii, 250, 275, 276, 281, 283, 374, 406, 445, 446, 494; report of the committee on propositions concerning, 147.
- Public revenue, act for raising, for better support of the government, xxii, xxiii, xxvi, 120, 125, 126, 129, 130, 131, 132, 133, 134, 144, 207, 474, 475, 476.
- Pullets, price of, to soldiers, 71.
- Purvis, John, collection of the laws of Virginia published by, xlvii, 201, 202, 203; paid £4, 86.
- Pycroft, Nathaniel, paid for taking up runaways, 182.

- Quakers, report on petition from, 431, 433; unlawful assembling of, prohibited, 308, 310, 318.
- Quigley, John, petitioner, 136; tobacco levied for, 150.
- Quit-rents, act concerning payment of, repealed, 279, 280; messages concerning, 237-239, 242, 267, 273.

R

- Rabley, Thomas, paid for services, 82, 140, 174, 177, 178, 256.
- Rarnfay, Edward, burges, viii, 32, 36, 38, 47; paid in tobacco, 81, 84.
- Randall, William, *see* Randolph, William.
- Randolph, Henry, clerk of Committee of Elections and Privileges, 188, 287, 333, 379; clerk of Committee of Public Claims, 193, 287, 291, 337; clerk of House, 11, 30, 57; paid for services as clerk of committee, 257; mentioned, 390; £17 paid to estate of, 500; public debts to be paid out of estate of, 60.
- Randolph, William, burges, xi, xii, xiii, xiv, xv, xvi, 187, 188, 192, 193, 194, 195, 199, 201, 208, 224, 234, 235, 249, 250, 261, 262, 263, 268, 274, 278, 279, 280, 282, 291, 292, 306, 307, 310, 319, 334, 339, 347, 352, 356, 357, 362, 364, 365, 369, 379, 380, 384, 385, 396, 399, 401, 403, 404, 405, 406, 421, 428, 432, 433, 434, 435, 439, 437, 438, 443, 444, 445, 446, 450, 451, 455, 465, 474, 477, 480, 485, 486, 488, 490, 492, 493, 494; clerk of Committee of Propositions and Grievances, 164, 165; election of, contested, 289, 338; leave of absence granted to, 439, 468; oath of a burges administered to, 190, 290, 421; paid in tobacco, 83, 175, 176, 181.
- Rangers, act for continuing, lxxviii, 443, 444, 445, 458, 461, 462, 483, 484, 486.
- Ranfon, James, burges, xiv, xv, xvi, 380, 396, 412, 414, 415, 419, 444, 451, 487, 492; leave of absence granted to, 402, 436, 459; oath of a burges administered to, 380, 413.
- Rappahannock County, act for dividing, lxxv, 396, 397, 400, 401, 404; arrears due to Governor Berkeley in, to be levied on the county, 7; burgeses, vii, viii, x, xi, xii, xiii, xiv, 32, 189, 288, 335, 380; confinement of fhot for, 73; exempted from purchasing loom, 34; expenditures of, 85, 170, 175, 182, 253, 258; grievances from, 36, 105, 198, 339, 340; John Washington's right to land in, confirmed, 41; muskets for, 77; propositions from, 36, 198, 340, 341; tithables in, 182; town established in, 182.
- Rappahannock garrison, appropriation for expenses of, 84, 150, 171, 181.
- Rappahannock Neck, governor authorized to purchase land in, for the use of the Colony, 61.
- Rappahannock River, fort to be erected on, at Corotoman, 47; mentioned, 41, 78; proposition and grievance of inhabitants on south side of, 386.
- Rafcombe, John, paid for services, 173, 181.
- Ravencroft, Samuel, petitioner, 403.
- Rawlins, Rodger, paid 1,000 pounds of tobacco, 83.
- Read, Mrs. Elizabeth, paid 1,000 pounds of tobacco, 82; to be taxed according to ability to pay, 75.
- Read, George, title of, to land, confirmed, 51.
- Read, Henry, paid for taking up runaway, 183; paid 2,000 pounds of tobacco, 83.
- Read, Robert, burges, xiii, 297, 318, 325; ferryman, 172, 179, 254; oath of a burges administered to, 299.
- Read, Thomas, paid in tobacco, 83; petitioner, 51.
- Rece, Thomas, paid for taking up runaway, 179.
- Redderick, Francis, paid for delivering letters, 254.
- Reddish, Edward, paid for taking up runaways, 176.
- Reeves, Thomas, paid for taking up two runaways, 182.
- Rely, Peter, mentioned, 275.
- Refte, John, paid for taking up runaway, 181.
- Revenue, act for raising a public revenue for the better support of the government, xxii, xxiii, xxvi, 120, 125, 126, 129, 130, 131, 132, 133, 134, 144, 207.
- Reynes, John, petitioner, 76.
- Reynolds, Richard, paid for taking up runaway, 177.
- Rice, Francis, paid 8,883 pounds of tobacco, 84; paid for impressing man and horse, 171, 179.
- Richards, Mary, paid 300 pounds of tobacco, 82.
- Richardson (Richinson), John, burges, xiv, xv, xvi, 379, 412, 455, 487; oath of a burges administered to, 413.
- Richmond County, burgeses, xv, xvi, 412; formation of, lxxv.
- Ridge, John, paid for public services, 171, 179.
- Ring, Joseph, burges, xi, xiv, xvi, 187, 188, 191, 192, 195, 198, 245, 334, 339, 346, 347, 353, 357, 363, 365, 366, 369, 384, 396, 405, 492, 493, 494; oath of a burges administered to, 335; paid for repairing arms, 254.
- Rix dollars, value of, 424.
- Roach, John, paid for taking up a runaway, 182.
- Roades, John, paid for taking up a runaway, 181.
- Roan, Charles, paid for taking up three runaways, 181.
- Robert of Brittol (a ship), 500.
- Roberts, Maurice, paid for services to country, 253.
- Roberts, Robert, paid for public services, 172, 179.
- Roberts, Thomas, summoned to testify against Thomas Barber, 193.
- Robins, Arthur, paid 200 pounds of tobacco, 82.
- Robins, John, burges, xiv, 334, 353, 356, 365, 381, 391; oath of a burges administered to, 335; paid 1,000 pounds of tobacco, 83.
- Robinson, ———, burges, 219, 220, 225, 281, 327, 357, 359, 362, 365.
- Robinson, Christopher, burges, x, xii, xiii, xiv, 157, 164, 261, 262, 263, 265, 266, 268, 271, 273, 274, 275, 276, 277, 279, 280, 282, 287, 288, 291, 319, 322, 335, 337, 341, 347, 349, 350, 351, 353, 354, 355, 356, 360, 361, 364, 365, 366, 368, 372, 373, 374, 381, 384, 386, 387, 388, 389, 390, 391, 392, 395; grantee for royal charter for college, 361; oath of a burges administered to, 290, 335; paid out of the 2s. per hoghead account, 502.
- Robinson, George, ferryman, 172, 179.
- Robinson, Symon, paid 100 pounds of tobacco, 179.
- Robinson, William, burges, xi, xii, xiv, 193, 195, 235, 262, 265, 275, 384, 387.
- Roe, Timothy, paid 375 pounds of tobacco, 82.
- Rogers, John, fined for signing a petition injurious to the justices of Surry County, 114.
- Rogers, Richard, burges, 415; election of, contested, 417, 421, 432.
- Romee, David, paid for services to country, 253.
- Rooke, Thomas, censured by the House, 476, 477; complaint against, by Mr. Kemp, 473, 474, 475; petitioner, 477.
- Roscow, William, burges, xvi, 484, 494; petitioner, 415, 417.
- Rofs, Edward, petitioner, 191; salary of, 257.
- Roffier, Francis, paid 625 pounds of tobacco, 84.
- Rotherick, Francis, paid 200 pounds of tobacco, 179.
- Rovening, Edward, paid 1,600 pounds of tobacco, 83.
- Rowley, Rowland, signer of petition from Lancaster County, 111.
- Royalls, Henry, paid for use of horse, 255.
- Royfton, Thomas, paid for taking up two runaways, 181.
- Rumsey, Henry, paid for taking up runaway, 181.
- Runaways, act concerning pursuit of, repealed, 216, 217, 219, 221; bill concerning, 269, 271, 272, 279, 398, 399, 400, 462, 463, 467, 472, 473, 476; Governor Berkeley to write to governor of Maryland concerning, 55; order concerning, 71.
- Ruffell, John, paid 3,000 pounds of tobacco, 81.
- Ruffell, Samuel, paid for taking up a runaway, 176.

S

- Sabbath, bill concerning, 350, 353, 354, 359, 360, 460, 461, 478; *see also* Sunday.
- Saint Albans, Earl of, grant to, mentioned, 399.
- St. John's Parish, mentioned, 353.
- St. Peter's Parish, mentioned, 150, 353.
- Salisbury, Lord Bishop of, letter to, 407.
- Salt, making of, encouraged, 13; propositions concerning, 40, 454, 455.
- Sanders, John, mentioned, 76.
- Sanderson, Edward, paid for services as sheriff, 174, 178; petitioner, 123; sheriff of James City County, 133.
- Sandford, Samuel, burges, xv, 412, 416, 421, 433, 440; proposition signed by, 420.
- Sandiford, John, burges, xiv, 334, 335, 345.
- Sands, Anthony, signer of petition from Lancaster County, 111.
- Sands, Thomas, petition of, rejected, 145.
- Sandy Bay, mentioned, 251.
- Saunders, George, signer of grievance from James City County, 108.
- Saunders, Richard, paid 750 pounds of tobacco, 81.
- Savage, Anthony, added to the commission of Gloucester County, 9.
- Savage (Swavage), John, burges, viii, 32, 38, 48.
- Savage, Rowland, paid 500 pounds of tobacco, 82.
- Sawyer, Francis, burges, xiv, xv, 387, 412, 413, 419, 440.
- Scarburgh (Scarborough), ———, burges, 37, 141, 142, 191, 192, 193, 194, 196, 199, 200, 219, 224, 231, 242, 245, 289, 291, 306, 327, 336, 338, 351, 357, 359, 360, 362, 363, 365, 366, 372, 373, 374, 396, 397, 398, 399, 400, 401, 402, 405.

- Scarburgh, Charles, burgefs, x, xi, xiii, xiv, 120, 127, 130, 131, 136, 137, 139, 160, 161, 163, 164, 187, 189, 195, 227, 234, 247, 288, 334, 335, 337, 347, 353, 354, 381, 391, 395, 404; fined for abfence from the Houfe, 133, 250; grantee for royal charter for college, 361; oath of a burgefs adminiftered to, 124, 190, 290, 335; paid 467 pounds of tobacco, 81; to have benefit of king's proclamation of pardon, 69.
- Scarburgh, Edmund (Edward), burgefs, vii, viii, 32, 36; commiffion of Lower Norfolk to pay to, amount of judgment with intereft, 17; complaint of againft J. Alford and wife, 19; given a premium for making falt, 13; owner of falt works in Accomack, 40; paid for public fervices, 170, 183; propofition from, concerning Tufcarora Indians, 23.
- Scarlet, Martin, burgefs, x, xii, xiv, xv, liii, 167, 334, 381, 386, 411, 412, 413, 424, 433; charges againft, 268, 271; leave of abfence granted to, 441; oath of a burgefs adminiftered to, 335, 413; petitioner, 348, 349; propofition from, 420, 429.
- Schoolmafters, coming from England, muft have license to teach, 270, 274; propofition concerning, 455.
- Sclater, ———, minifter, 367.
- Scott, Thomas, clerk of committee to draw up addrefs to governor, 157; clerk of committee to examine the lift of clerks' fees, 129.
- Seabright, John, paid in tobacco, 174, 177, 178.
- Seal, every county to have, 398; fee for affixing imprefion of, to land patents, etc., lix, 267, 283, 308, 316; governor's authority for charging fee for ufe of, 280; meffage from Council in reference to fee upon, 326.
- Seamen, ordinary keepers not to credit, 310, 318, 319, 341, 342, 343, 345, 346, 348; propofition concerning, 428.
- Seares, John, paid for taking up runaway, 181.
- Searle, Robert, paid for taking up runaway, 181.
- Seating, bill declaring what feating is and in what time it ought to be made, 466, 468, 469, 471.
- Seaton, George, paid 1,850 pounds of tobacco, 84.
- Seconds, bill concerning, 266, 268, 269, 276, 279; tending of, prohibited, 472, 473, 476.
- Seneca Indians, mentioned, 205.
- Senior, Elliner, appropriation towards fupport of, 69, 84.
- Senior, William, mentioned, 69.
- Servant, Bertram, paid 1,156 pounds of tobacco, 82.
- Servants, bill directing how long fervants fhall ferve coming in without indentures, 472, 475; bill prohibiting mafters dealing with, 472, 473, 475; configned to merchants for fale, not to be lifted as tithables, 150; cruelty to, prohibited, 472, 473, 476; not to marry without mafters' confent, 460, 461, 478, 479; of burgeffes, exempted from arrefts, 464, 468; *fee alfo* negroes and flaves.
- Sewall, Henry, member of conference held in reference to improving the ftaple of tobacco, 23.
- Seymour, John, paid for fervices to country, 253.
- Shapleigh, Philip, fummoned to appear before Houfe, 417.
- Sharpe, John, figner of petition from Lancafter County, 111.
- Sharpe, Richard, figner of grievance from Ifle of Wight County, 104.
- Sheep, included in act concerning cattle and beafts, 33.
- Sheldon, John, paid 200 pounds of tobacco, 179.
- Shepard, Alexander, figner of grievance from James City County, 108.
- Shepherd, Ifrael, cafe of, given as reafon for paffing bill concerning efcheators' and fheriffs' fees, 240.
- Sheppard (Shepherd) Baldwin, jurors charges, etc., paid to, 255; paid 200 pounds of tobacco, 179.
- Sheriffs, bill appointing, 463, 464, 467; bill afcertaining fees of, in finding efcheats, 220, 221, 222, 227, 231, 239; bill directing how fheriffs fhall account for public dues, 342, 345, 346, 349, 350, 463, 464; bill for afcertaining fees of, 463, 464, 467; bill for fheriffs receiving public dues, 318, 321, 341, 343; bill impofing a penalty upon, not making fufficient returns, 463, 464, 467; bill impofing fines on, for concealing tithables, 463, 464, 467; bill to repeal acts concerning bail taken by, 204, 205, 207; Burgeffes' reafons for paffing bill concerning fees of, for finding efcheats, 236, 239, 240; not to be attorneys in court where they officiate, 463, 464, 467; power of, 150; to be fined for failure in returning writs for election of burgeffes, 6; to be fined for making falfe returns of the election of burgeffes, 58.
- Sherlocke, James, clerk of General Affembly, 453, 455, 459, 477, 479, 480, 481, 483, 484, 485, 486, 488, 489, 490, 493, 494, 495.
- Sherman, Michael, burgefs, xv, 412, 413, 419, 433, 437, 438, 439, 444, 445, 446; oath of a burgefs adminiftered to, 413; petitioner, 489; fheriff of James City County, 489.
- Sherwood, William, burgefs, x, xi, xiii, xxxii, 107, 121, 157, 164, 187, 188, 189, 191, 194, 196, 199, 200, 202, 220, 225, 226, 227, 228, 231, 232, 245, 247, 248, 249, 250, 251, 288, 289, 293, 295, 296, 297, 307, 308, 319, 327; committee to examine papers procured by, in England, 399; conference to be held at houfe of, 127, 131, 452; oath of a burgefs adminiftered to, 190, 291; paid in tobacco, 81, 84, 140, 161, 174, 178; petitioner, 225, 450, 451; propofition from, concerning the clergy, 198; rent for houfe ufed by government, 256, 257, 282, 325.
- Shipley, Walter, paid for taking up runaways, 176.
- Ships, expenfes of fick and wounded on, to be paid out of public levy, 60; provisions for, to be paid for out of public levy, 60; fheriffs empowered to arreft mafters, mariners or others belonging to or on board of, 150; Thomas Stegge paid twenty pounds fterling for difclofing deception practifed by mafters of, 28; ufed in king's fervice, to be paid for out of public levy, 60; Virginians owning, exempted from payment of cattle duties, 133.
- Shoemakers, bill declaring duty of, 345, 349, 350, 353, 354, 357, 360, 361, 362, 473; propofition to have act concerning, repealed, 423.
- Short, Elizabeth, Indian boy purchafed by, liberated, 16.
- Shot, governor reimbursed money paid for, 55; purchafed from Colonel Morrifon, to be diftributed among the counties, 20.
- Shout, Robert, paid for taking up runaway, 181.
- Sidney, John, burgefs, vii.
- Simkler (Sinckler), Margaret, appropriation towards fupport of, 70; paid 15,000 pounds of tobacco, 84.
- Simkler, William, mentioned, 70.
- Singleton, William, paid 950 pounds of tobacco, 83.
- Singnell, Samuel, fummoned to teftify againft Thomas Barber, 193.
- Skins, act laying impofition upon, for the better fupport of William and Mary College, lxxii, 475, 484, 486, 487, 489, 492.
- Slaughter, Francis, title of, to land, confirmed, 41.
- Slaves, bill declaring that baptifm of, does not manumit or fet them free, 460, 461, 478, 479; bill for fuppreffing outlying, 361, 362, 363, 365, 472, 473; bill for the more fpeedy profecution of, committing capital crimes, 401, 404, 472, 476; *fee alfo* negroes and fervants.
- Slips, bill concerning, 266, 268, 269, 276, 279; tending of, prohibited, 472, 473, 476.
- Smith, ———, burgefs, 281, 306, 319, 333, 357, 359, 360, 362, 364, 365, 366, 372, 374, 405.
- Smith, Anthony, burgefs, x, 165.
- Smith, Arthur, burgefs, xii, xiii, xiv, 265, 269, 275, 277, 289, 291, 333, 334, 337, 359, 364, 379, 384, 396, 405; oath of a burgefs adminiftered to, 290, 335.
- Smith, Bryan, paid for public fervices, 257; paid 1,800 pounds of tobacco, 83; fervant of, made public executioner, 76.
- Smith, George, interpreter, 256; petitioner, 297.
- Smith, Henry, paid for ufe of horfe, 253.
- Smith, John, burgefs, xii, xiii, xiv, 261, 262, 263, 273, 274, 275, 276, 277, 280, 291, 333, 334, 335, 337, 347, 353, 356, 373; grantee for royal charter for college, 361; leave of abfence granted to, 362; mentioned, 360; oath of a burgefs adminiftered to, 290, 335; paid for ufe of horfe, 253, 255; paid out of 2s. per hogfhead account, 501; fervant of, rewarded for difcovering a plot, 28; fheriff of Gloucefter County, 380, 382, 383.
- Smith, Lawrence, arms to remain in cuftody of, 219; burgefs, xiii, xiv, 291, 298, 299, 310, 311, 318, 325, 333, 334, 337, 347, 349, 352, 353, 354, 366, 372, 384, 385, 395, 396, 401, 402, 403, 404, 405; oath of a burgefs adminiftered to, 290, 335; paid 4,705 pounds of tobacco, 84; to examine and have repaired arms belonging to the country, 78.

- Smith, Nicholas, burges, vii.
 Smith, Phoebe, administratrix of the estate of Toby Smith, 12.
 Smith, Robert, agent for Virginia in England, 57, 62, 499; member of Council, 23, 40, 144.
 Smith, Toby, mentioned, 12.
 Smith, William, paid for taking up runaway, 183; paid 180 pounds of tobacco, 175, 180.
 Smith, William Briscoe, paid for irons, etc., 256; paid for work on the prison, 174.
 Smith's fort, selected as site for a town, 135.
 Soane, Henry, burges, vii; collector of tax on tobacco, 9; speaker, 11, 13.
 Soane, William, claim of, rejected, 226; salary of, 255.
 Soldiers, certain land to be reserved for use of, 72; rates at which provisions are to be sold to, 71.
 Sorrell, Edward, reimbursed for entertaining Indians, 256, 257.
 Sorrell, Rebecca, appropriation towards support of, 70, 84.
 Sorrell, Robert, mentioned, 70; paid for horse, 173, 180.
 Southcoat, Otho, burges, viii, 36.
 Southcoat, Thomas, burges, viii, 32.
 Southing, George, paid 5,000 pounds of tobacco, 175, 183.
 Span, Cuthbert, burges, xvi.
 Sparrow, Charles, burges, vii.
 Speaker, *see* Allen, Arthur; Ballard, Thomas; Goodwyn, Thomas; Hill, Edward; Millner, Thomas; Warner, Augustine; Wynn, Robert.
 Spence, ———, paid for impressing and conveying soldier to Rappahannock garrison, 173, 182.
 Spence, Alexander, burges, xvi, 453.
 Spencer, Nicholas, account of the 2s. per hoghead duty collected by, 501, 502; attorney for Lord Culpeper, 208, 216, 230, 235, 236, 237, 244, 258; burges, viii, 32, 46, 47, 48, 49; Burgeses complain about fee charged by, for patents, 266, 268, 301, 312, 317; member of Council, 120, 121, 122, 123, 124, 125, 127, 128, 133, 144, 199, 234, 247, 249; salary of, 500, 501; secretary, xix, xxxvii, xl, li, lxi, 120, 135, 146, 169, 182, 183, 201, 256, 309.
 Spencer, Robert, paid 1,800 pounds of tobacco, 81.
 Spencer, Will, signer of Northampton County grievance, 101.
 Spencer, William, paid £15, 10s., 5d., 86; paid 3,800 pounds of tobacco, 83.
 Spies and Still, paid 1,250 pounds of tobacco, 84.
 Spicer, Arthur, burges, xii, xiii, xv, xvi, 261, 262, 263, 268, 275, 276, 277, 288, 291, 308, 313, 319, 329, 411, 412, 413, 414, 418, 419, 428, 430, 433, 434, 453, 459; leave of absence granted to, 444; oath of office administered to, 290, 413.
 Spier, John, burges, x, 122, 128, 131, 139, 157, 164; oath of office administered to, 120.
 Stafford, Francis, paid for services to country, 253.
 Stafford County, burgeses, ix, x, xi, xii, xiii, xiv, xv, xvi, liii, 32, 187, 189, 288, 334, 348, 381, 391, 412, 462; carbines, belts and fowls for, 77; complaints from, 266, 426, 433, 436, 437, 438; confinement of shot for, 73; expenditures of, 85, 255; grievances from, 89, 198, 265, 298, 386, 390; mentioned, 182, 425, 434; petitions from, 123, 342; propositions from, 386, 420, 430; tithables in, 182; writs for election of burgeses for, 119, 381.
 Starburgh, Edmund, paid 969 pounds of tobacco, 82.
 Starling, William, signer of Northampton County grievance, 101.
 State house, building committee appointed for, 220, 244; committee to confer with governor about, 25; governor to supervise work on, 8, 27; messages concerning, 206, 209; report of building committee, 205, 222, 244, 245; Tindall's Point suggested as place for, 78; to be paid for out of the 2s. per hoghead tax, xlv, 235, 236; vote taken on Tindall's Point as place for, 135.
 Steereman, Richard, paid for horse, 255.
 Stegge, Thomas, member of Council, 40, 47; rewarded for discovering deception practiced by seamen, 28.
 Stephens, William, paid 1,200 pounds of tobacco, 83.
 Still and Spies, paid 1,250 pounds of tobacco, 84.
 Stinton, Dorothy, paid 5,000 pounds of tobacco, 82.
 Stitch, Drury, paid for taking up runaways, 176.
 Stith, John, sheriff of Charles City County, 224.
 Stoakley, John, paid 1,001 pounds of tobacco, 82.
 Stocks, to be erected in each county, 462, 463, 467, 485, 493.
 Stokes, Richard, paid for services to country, 253.
 Stone, John, burges, xiv, 335, 339, 340, 347, 353, 357; oath of office administered to, 335.
 Story, Joshua, burges, xiv, xvi, 380, 391, 450, 451, 474, 492; leave of absence granted to, 479; petitioner, 414, 415, 416.
 Strahan, David, petitioner, 425.
 Stratton, Benjamin, paid for taking up runaway, 183.
 Stratton, John, dismissed from commissary department, 77.
 Strechley (Stretchley), John, burges, xv, 412, 414, 419.
 Stringer, John, account of the 2s. per hoghead duty collected by, 501, 502; burges, vii; paid for guns, 83; salary of, 500, 501.
 Stroude, William, paid for taking up runaways, 176.
 Stufon, William, fined for erecting a weir, 49.
 Styth, John, burges, xii, xv, 262, 263, 273, 280, 282, 412, 413, 440, 442, 444; paid 1,250 pounds of tobacco, 81, 84.
 Subpoenas, bill concerning, 462, 463, 466, 485, 490.
 Sudden, George, paid 1,000 pounds of tobacco, 82.
 Sullivant, John, paid for taking up runaway, 178.
 Summers, William, paid for taking up runaway, 181.
 Sunday, no arrests to be made on, 463, 464, 467; *see also* Sabbath.
 Sunderland, Robert, Earl of, mentioned, 294, 295.
 Superfedeas, bill appointing when and by whom superfedeas shall be granted, 462, 463, 467.
 Surgeons, bills concerning accounts of, 396, 397, 400, 401, 404, 468, 469, 470, 472.
 Surry County, burgeses, vii, viii, ix, x, xi, xii, xiii, xiv, xv, xvi, 32, 187, 189, 288, 334, 343, 379, 412, 426; confinement of shot for, 73; court of, to determine mark for hogs of Nottoway and Weyanoke Indians, 426; expenditures of, 175, 177, 254; grievances from, 89, 114, 199, 296, 340, 390, 420, 452; mentioned, 170, 240, 460; petitions from, 111, 358; propositions from, 125, 264, 340, 390, 420, 426, 431, 452; tithables in, 177; to furnish meat for soldiers, 72; writ for election of burgeses for, 337, 379.
 Surveyors, bill concerning, 466, 468, 469, 472; refrained from surveying land on south side Blackwater Swamp, 474.
 Sufquehanna Fort, disbursements of, 85.
 Sufquehanna Indians, cost of war against, to be reported and examined, 69; prohibited from trading in Virginia, 15.
 Swann (Swan), ———, burges, xvi, 133, 139, 142, 188, 192, 200, 201, 210, 231, 235, 250, 310, 319, 414, 415, 416, 418, 427, 428, 430, 433, 435, 437, 439, 453, 474, 484, 489.
 Swann, Samuel, burges, ix, x, xi, xii, xiii, xv, lxix, 119, 121, 129, 131, 136, 157, 160, 164, 189, 194, 195, 234, 244, 261, 262, 263, 265, 266, 268, 269, 274, 277, 280, 282, 287, 288, 291, 327, 411, 412, 419, 421, 422, 425; oath of a burges administered to, 120, 190, 290, 413.
 Swann, Thomas, burges, ix; member of Council, 144.
 Swearing, bill for the more effectual suppressing of, 350, 353, 354, 359, 360.
 Swinborne, Thomas, paid for horse, 170, 182.
 Symmons, William, fined for signing a petition injurious to the justices of Surry County, 114.
 Synock, Robert, paid 6,000 pounds of tobacco, 83; surgeon, 150.

Taylor, Richard, mentioned, 138.
 Taylor, Sampson, paid for taking up two runaways, 183.
 Taylor, Thomas, added to the commission of Nanfemond County, 9.
 Taylor, William, paid 1,130 pounds of tobacco, 82.
 Teigle, ———, paid 2,000 pounds of tobacco, 82.
 Thaxton, John, signer of grievance from James City County, 108.
 Therryatt, William, paid for taking up runaway, 181.
 Thomas, Edward, burghes, xv, 412, 413, 432.
 Thomas, Lazarus, doorkeeper, 175, 177, 257, 450; petitioner, 414; signer of grievance from James City County, 108.
 Thomas, Margaret, claimant, 75.
 Thomas, Robert, signer of grievance from James City County, 108.
 Thomefon, John, signer of grievance from James City County, 108.
 Thompson, George, paid 1,300 pounds of tobacco, 81.
 Thompson, John, burghes, xvi, 467, 473; leave of absence granted to, 487.
 Thorne, William Silver, paid 500 pounds of tobacco, 82.
 Thornton, Francis, paid for taking up runaway, 181.
 Thornton, William, paid for serving on jury, 254.
 Thoroughgood, Adam, burghes, viii, 32, 38, 39, 47; paid for taking up runaways, 82, 178.
 Thorowton, William, paid for taking up runaway, 183.
 Thorpe, Otho, burghes, x, 167; mentioned, 72, 116; paid for public services, 81, 85, 172, 179.
 Thorpe, Richard, paid for public service, 255.
 Thrufton, Malachy, burghes, xiv, 379, 380, 384, 396, 397, 399, 402, 404, 405; petitioner, 389.
 Thurston, Christopher, mentioned, 355, 367.
 Tigbin, James, paid for taking up runaways, 176.
 Tilesh, Thomas, signer of grievance from James City County, 108.
 Tindall's Point, fort to be erected at, 47; vote taken on, as place for state house, 135.
 Tithables, bill concerning list of, 464, 468, 469, 470, 471.
 Tobacco, account of 2s. per hoghead export duty for 1675 and 1676, 499, 501; act for the imposition of 2s. per hoghead, xxv, xxvi, 136; bill in reference to marking, 468, 469, 470, 472; bill in reference to selling, at appointed places, 213; Burghesses address the king in reference to a "cession," 145; debts contracted in 1666 to be paid one-half in, 40; duty on tobacco taken by enemies remitted, 60; garrison expenses to be paid in, 142; letter from Commissioners of Customs to the Lord Treasurer concerning, 266; message from governor in reference to a "ftint" in planting, 38; messages in reference to exportation of bulk tobacco, 306, 311, 315, 317, 319, 322; messages in reference to restraining planting, after the last of June, 311, 315; not to be planted after June, 22, 29, 264, 265, 472, 473, 476; part of money raised by tax on, to be left in bank in England, 75; petition of London merchants in reference to shipping bulk tobacco, 453; proposals for a "ftint" in planting, 22, 23; report of committee on the 98,000 pounds paid to the soldiers, 208; tare of hogheads regulated, li, 269, 271, 272, 279, 347, 349, 350, 352, 354, 358, 468, 469, 470, 472; time appointed to demand and tender, 463, 464, 467; twelve pounds per pole levied on every tithable, 63.
 Tomlin (Tomlyn), Robert, paid for horse, 170, 183; paid for use of boat, 254.
 Tomlyn, Stephen, signer of petition from Lancaster County, 111.
 Tompson, Henry, paid for services to country, 255.
 Toplady, Samuel, summoned to testify against Thomas Barber, 193.
 Totan, John, paid for services, 256.
 Towns, act for building of, xlv, 212, 213, 217, 269; bills for, 271, 272, 275; sites for, to be selected by Burghesses, 129.
 Townsend, William, paid 48 pounds of tobacco, 171, 179.
 Trade, act for encouragement of, xxvii, 138.
 Travers, Raleigh, burghes, viii, 25, 32, 36, 37, 38, 39, 43, 48, 49.
 Travers, William, paid in tobacco, 81, 83.
 Treasurer, bill appointing, 364, 369, 370, 441, 442, 443, 444, 445; report on tax on liquors and skins, 433, 437.
 Trennie, Richard, paid 224 pounds of tobacco, 81.
 Trevit, George, paid 400 pounds of tobacco, 82.
 Trials, to be by juries, 467, 485, 491.

Trotter, Richard, summoned to testify against Thomas Barber, 193.
 Trowell, Henry, goods seized by Captain Laremoor to be returned to, 70.
 Tubb, James, paid 4,000 pounds of tobacco, 83; paid £16, 86.
 Tucker, William, paid in tobacco, 83.
 Tuchman, Elizabeth, claimant, 18.
 Tuntall, Richard, paid for steer, 172, 180.
 Turner, Charles, burghes, x, 121, 136, 138, 139, 157; oath of office administered to, 120; paid for hogs, 173, 180.
 Turner, James, paid 1,296 pounds of tobacco, 257; paid twenty pounds, sterling, 135, 151.
 Turner, John, paid for taking up runaways, 176.
 Tuscarora Indians, propositions concerning, 23, 454.
 Twine, Robert, paid 200 pounds of tobacco, 180.
 Twine, Thomas, signer of grievance from James City County, 108.
 Tylney, ———, paid 450 pounds of tobacco, 82.

U

Underhill, John, added to commission of York County, 8.
 Upper Norfolk County, burghesses, vii.
 Uphot, Arthur, paid 950 pounds of tobacco, 82.

V

Vagabonds, bill for suppressing, 462, 463, 467, 485.
 Varina, selected as site for a town, 135.
 Vauhan, John, added to the commission of Westmoreland County, 9.
 Vestries, bill for appointing, 460, 461, 478, 479.
 Virginia, act for better preservation of peace of, xlv, 205, 207, 208; act for better supply of country with arms and ammunition, xlv, 218, 219, 220, 222, 223, 227; act for raising a public revenue for better support of the government of, xxii, xxiii, xxvi, 120, 125, 126, 129, 130, 131, 132, 207; act for the better defence of, xlv, 1, 218, 219, 220, 222, 223, 227, 232, 235, 355, 356, 357, 360, 361, 362, 365, 384, 397, 400, 401, 404, 422, 424, 427, 434, 436, 442, 443; appointment of an agent for, in England, referred to the governor, 45; bill to repeal act for better defence of, 266, 268, 269, 279; letter to the General Assembly from Commission for the Affairs of, 90-95; Maryland borrows powder from, 394; northern Indians prohibited from trading in, 15; part of money raised by tax on tobacco to be left in bank in England for use of Colony, 75.

W

Waggerman, Hendrick, paid 400 pounds of tobacco, 82.
 Wahanganoch, king of Potomac Indians, 14, 16.
 Wakelyn, ———, paid 200 pounds of tobacco, 179.
 Walker, ———, petitioner, 36, 38.
 Walker, Alexander, signer of grievance from James City County, 108.
 Walker, John, petitioner, 343; report of, concerning land of Chefquack Indians, 16.
 Walker, Nathaniel, paid 648 pounds of tobacco, 170, 183.
 Walker, Peter, paid for taking up three runaways, 183.
 Walker, Thomas, burghes, viii, 21, 25, 32, 36, 38, 43, 47, 49; mulberry trees planted by, 39; petitioner, 49, 297; signer of grievance from James City County, 108.
 Walklett, William, paid for horse, 257.
 Waller, Edward, paid for taking up runaways, 180, 181.
 Walling, Henry, paid for taking up runaway, 177.
 Wallingford Parish, mentioned, 214.
 Wallings, George, burghes, viii.
 Wallis, William, paid for taking up runaway, 178.
 Walton, Edward, paid 200 pounds of tobacco, 180.
 Warbleton, John, paid for taking up runaway, 177.
 Ward, John, paid for taking up runaway, 182.
 Warkman, Daniell, paid 205 pounds of tobacco, 176.
 Warner, Augustine, member of Council, 144; mentioned, 219; paid in money, 86; paid 9,650 pounds of tobacco, 81; speaker, 96, 97.
 Warner, Mrs. Mildred, relict of Augustine Warner, 219.
 Warren, Thomas, burghes, viii, 25, 32, 48.
 Warrington, Ralph, paid for taking up runaway, 182.
 Warwick County, act for ascertaining bounds of, 206, 207, 208, 209; burghesses, vii, viii, x, xi, xii, xiii, xiv, xv, xvi, 187, 189, 288, 334, 337, 379, 413.

- 415; confinement of shot for, 73; expenditures of, 175, 179, 254, 258; grievances from, 89, 122, 265; mentioned, lxxii; petition from, 342; proposition from, 420; tithables in, 179; town established in, 171, 179.
- Waffbourne, John, burgess, xvi, 451, 487.
- Waffington, ———, burgess, 48, 49, 200, 206, 212, 218, 227, 232, 353, 357, 391; petitioner, 38.
- Waffington, John, account of the 2s. per hoghead duty collected by, 501, 502; burgess, viii, ix, 32, 35, 36, 37, 39; paid £80, 86; salary of, 500, 501; title of, to land, confirmed, 41.
- Waffington, Lawrence, burgess, xi, xii, xiv, 189, 194, 196, 334, 335, 337, 384, 398, 400; leave of absence granted to, 383; paid 3,600 pounds of tobacco, 173, 182.
- Waffington and Allerton, paid 12,000 pounds of tobacco, 84.
- Waters, John, paid in tobacco, 81, 253.
- Waters, William, burgess, vii, x, xvi, 120, 128, 129, 131, 136, 137, 141, 451, 455, 462, 473, 484, 486, 487, 493; mentioned, 77; oath of office administered to, 122; petitioner, 76.
- Waterfon, John, signer of Northampton County grievance, 101.
- Watkins, John, paid for taking up runaways, 176.
- Watkins, Lewis, paid for taking up runaways, 176.
- Watson, Barnabas, keeper of Assembly and General Court rooms, 282.
- Watson, John, paid for taking up runaways, 176.
- Watts, John, paid 1,068 pounds of tobacco, 82.
- Webb, Giles, burgess, vii.
- Weekes, Abraham, burgess, ix, x, xi, 141, 189, 195, 210, 211, 219, 236; fined for absence from the House, 250; oath of a burgess administered to, 120, 190.
- Weights and measures, English, to be provided in each county, 465, 468, 469, 470, 471.
- Welden, Poynes, message from governor by, 306.
- Weldon, Samuel, paid for services, 174, 178, 183, 256.
- Wells, John, paid for services to country, 253; signer of petition from Lancaster County, 111.
- Weft, John, burgess, x, xi, xii, xiii, xiv, xlii, xliiii, 120, 128, 129, 131, 137, 139, 141, 142, 160, 161, 165, 168, 189, 191, 195, 196, 202, 212, 214, 227, 262, 269, 272, 273, 288, 288, 303, 334, 362, 365; censured by the House, 210, 211; claimant, 225; exempted from payment of levies, 4; included in king's proclamation of pardon, 69; oath of a burgess administered to, 124, 190, 290, 335; paid in tobacco, 84, 256; petitioner, 76, 214, 215, 416.
- Weft, Robert, paid for taking up runaway, 183.
- Weft, William, paid for taking up runaways, 176.
- Weft Point, surveyed for a port, 397.
- Westcomb, James, messenger, 289.
- Westmoreland County, burgesses, vii, viii, ix, x, xi, xii, xiii, xiv, xv, xvi, 32, 189, 194, 288, 334, 400, 412; carbines, belts and swivels for, 77; claim of sheriff of, 275; confinement of shot for, 73; election returns not made according to law, 381, 394; exempted from purchasing a loom, 34; expenditures of, 85, 175, 182, 255, 258; grievances from, 265, 296, 340, 342; mentioned, 173; Northumberland and Westmoreland combined until otherwise ordered by the governor, 15; propositions from, 36, 106, 296, 300, 340, 342; return of writ for election of burgesses for, 452; six men added to commission of, 9; tithables in, 182.
- Westover, fort commissioners to meet at, 49.
- Westover Parish, boundaries of, 19.
- Wetburne, ———, paid £22, 12s., 500.
- Weyanoak (Weyanoak, Weyonoke, Weyonock) Indians, court to determine mark for hogs belonging to, 426; king of, exempted from arrests until March 1st, 4; petition of queen of, 460, 465.
- Weye (Weir, Weyre), John, burgess, vii, viii, 21, 32, 35, 36, 37, 38, 39, 43, 46, 47, 49.
- Whitaker (Whittaker), ———, burgess, 281, 298, 303, 307, 314, 316, 318, 342, 365, 374.
- Whitaker, Richard, burgess, x, xii, xiii, xiv, 122, 127, 137, 157, 158, 159, 160, 262, 265, 269, 288, 334; oath of office administered to, 120, 290, 335; paid for services to country, 255; sheriff of Warwick County, 417.
- Whitaker, Walter, burgess, viii.
- White, James, paid for services to country, 255.
- White, John, doorkeeper, 450; mentioned, 70; petitioner, 442.
- White, Mary, appropriation toward support of, 70, 84.
- White, Richard, compensation for losses sustained, 15.
- White, William, burgess, x, 119, 122, 129, 130, 134, 136, 137, 138, 139, 143; oath of office administered to, 120; paid in money, 75, 86, 500; paid 1,000 pounds of tobacco, 81; petitioner, 128, 151.
- Whitehead, Richard, paid for serving on jury, 254.
- Whiteing, Henry, burgess, x, xi, 157, 164, 187, 189, 190, 192, 193, 194, 195, 196, 200, 227, 232, 234; fined for absence from House, 250; member of Council, 337, 380, 381, 387, 395, 419; treasurer, lxviii, 437, 440, 445, 446, 475, 477, 486, 494.
- Whittacre, William, petitioner, 34.
- Whittington, William, burgess, x, 120, 122, 129, 132, 164; paid 5,050 pounds of tobacco, 83.
- Wiccomocomo Indians, title of lands purchased from, by Colonel Mathews, to be confirmed to his heirs, 8.
- Wickliffe, David, interpreter, 182, 255, 257; petitioner, 226.
- Wilkins, Thomas, paid for taking up runaway, 180.
- Wilkinson, James, mentioned, 151; petitioner, 124.
- William and Anne, owners of, paid 2,000 pounds of tobacco, 82.
- William & Mary College, bill for ascertaining place for erecting, lxxii, 485, 486, 487, 489, 492; bill for laying imposition on skins and furs for support of, lxxii, 475, 484, 486, 487, 489, 492; charter for, 459, 465, 466, 493, 495; memorial, propositions and petitions concerning, referred to consideration of the House, 459, 474; sites considered for, 353, 360, 465, 466; *see also* College.
- Williams, James, petitioner, 390.
- Williams, John, paid in tobacco, 83, 253; to take possession of furniture belonging to certain floops, 70.
- Williams, Matthew, signer of grievance from James City County, 108.
- Williams, Rowland, paid for taking up runaway, 182.
- Williamson, Henry, paid for horse, 170, 182, 253.
- Williamson, Jonah, paid for taking up runaway, 182.
- Williamson, Joseph, letter from the General Assembly to, 98.
- Williamson, Robert, burgess, viii, 25, 32, 37, 38, 39.
- Willis, Francis, burgess, vii, viii.
- Willoughby, John, paid for taking up runaway, 180.
- Wills, county courts to grant probates of, 465, 468, 469, 471.
- Wilmington Parish, mentioned, 214; protest against enlargement of James City Parish, 355.
- Wilfon, ———, burgess, 211, 225, 234, 274, 281, 310, 316, 318, 329, 333, 339, 340, 342, 352, 357, 358, 419, 428, 432, 442.
- Wilfon, George, paid for provisions furnished Indians, 256.
- Wilfon, Robert, mentioned, 191; paid in tobacco, 83, 174, 177, 181, 255; petitioner, 276.
- Wilfon, Stafford, paid 3,000 pounds of tobacco, 81.
- Wilfon, William, burgess, xi, xii, xiii, xiv, 189, 191, 195, 227, 262, 263, 279, 288, 292, 296, 301, 333, 334, 335, 451; oath of a burgess administered to, 190, 290, 335; paid for use of boat, 255.
- Wilfon, Willis, burgess, xv, xvi, lxvi, 412, 413; disqualified from serving as burgess, 380, 382; mentioned, 394, 395.
- Winfon, William, signer of grievance from James City County, 108.
- Wife, John, paid 300 pounds of tobacco, 82.
- Wifeman, Samuel, secretary of Commission for Affairs of Virginia, 94; paid £5, 86.
- Witherington, Nicholas, ferryman, 170, 177, 254; petitioner, 343.
- Withers, John, burgess, xiv, 381.
- Withers, Michael, paid for taking up runaway, 177.
- Witnesses, bill for the punishment of evidences not appearing upon summons, 462, 463, 467, 490.
- Wolves, certificates not to be paid for heads of, until examined, 55; reward for killing, 40, 308, 310, 318, 319, 341, 342, 343, 344, 346, 348, 474, 476.
- Wood, ———, paid out of the 2s. per hoghead account, 502.
- Wood, Michael, alias Malute, petitioner, 129.
- Wood, Thomas, paid 2,200 pounds of tobacco, 82.
- Woodhouse, ———, rent for house used by governor and Council, 8.

Woodmitts, Henry, paid for horse, 253.
 Woodson, John, petitioner, 420, 431, 433.
 Woodward, George, signer of grievance from James City County, 108.
 Woodward, Richard, mentioned, 136.
 Woodward, Thomas, mentioned, 43.
 Woolen cloth, act encouraging manufacture of, repealed, 204, 205, 211, 212, 213, 218, 221, 222, 224, 226, 227.
 Woory, Joseph, burgeses, xi, 187, 189, 190, 195, 202, 206, 207, 208.
 Worcester, Lord Bishop of, letter to, 406, 407.
 Workeman, Daniel, paid for meat, 174.
 Worleish, William, burgeses, vii.
 Wormeley, Christopher, member of Council, 201, 262, 290, 299, 337, 413, 414, 416, 421.
 Wormeley, Elizabeth, complaint of, against R. Carter, 403.
 Wormeley, Ralph, burgeses, viii; grantee for royal charter for college, 361; member of Council, 144, 163, 164, 343, 353; petition, 344, 359, 460; reimbursed money paid for ammunition, etc., 76; salary of, 501; secretary, 422.
 Wraxall, ———, paid £28, 12s., 500.
 Wright, George, paid for horse, 255.
 Wright, John, paid to impress horses for use of certain soldiers, 77.
 Wright, Richard, mentioned, 9.
 Writs, bill concerning, 398, 399, 400, 401, 404; bill proportioning the issuing of, 462, 463, 466, 484.
 Wyn, John, paid 200 pounds of tobacco, 179.
 Wynne, Robert, burgeses, vii, viii, 14, 19, 22, 29, 32, 40, 55, 57, 59, 60, 499.
 Wythe, Thomas, burgeses, x, 122; mentioned, 150; oath of office administered to, 120; paid 200 pounds of tobacco, 179.

Y

Yarborough (Yarberry, Yarburch), Richard, paid for services, 81, 256, 281.
 Yardley, Argell, signer of Northampton County grievance, 101.
 Yardley, Arnold, paid 1,500 pounds of tobacco, 83.
 Yates, ———, assistant clerk of General Assembly, 192.
 Yates, Thomas, paid 625 pounds of tobacco, 83.
 Yeo, Hugh, burgeses, vii, 21, 32, 43, 48.
 Yeo, Leonard, burgeses, viii, 32, 36, 39.
 Yoe, ———, paid 400 pounds of tobacco, 82.
 Yohocomaco, fort to be built at, 47.
 York, Duke of, letters to, from General Assembly, 75, 96, 97.
 York County, boundaries of, 209; burgeses, vii, viii, x, xi, xii, xiii, xiv, xv, xvi, 32, 187, 191, 198, 288, 334, 350, 380, 412, 451; consignment of shot for, 73; election returns not made according to law, 380; expenditures of, 175, 179, 254, 258; grievances from, 75, 89, 198, 199, 340, 385, 420; John Underhill added to commission of, 8; mentioned, lxiii; propositions from, 36, 147, 198, 340, 420, 429; return of writ for election of burgeses for, 297, 382, 460; sheriff of, 77, 191, 193; tithables in, 179; to furnish meat for soldiers for one month, 72; writ for electing burgeses for, 159, 451.
 York River, fort to be erected in, at Tindall's Point, 47.
 Yorktown, suggested as place for college, 466.
 Young, John, rights of citizenship conferred upon, 42.
 Young, R., estate of, paid for horse, 172, 180.
 Yowell, Thomas, burgeses, xii, xiii, xv, 262, 269, 272, 278, 288, 290, 291, 293, 296, 298, 303, 412, 413, 421, 444; proposition signed by, 422.

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